

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JAMES PIAZZA and EVELYN  
PIAZZA, Individually, and as  
Administrators of the ESTATE of  
TIMOTHY J. PIAZZA, DECEASED

Plaintiffs,

vs.

BRENDAN YOUNG, DANIEL  
CASEY, BRAXTON BECKER,  
MICHAEL BONATUCCI, RYAN  
BURKE, JERRY COYNE, GARY  
DIBILEO, JR., JOSEPH EMS,  
CASEY FUNK, EDWARD JAMES  
GILMARTIN, III, CRAIG HEIMER,  
JONATHAN KANZLER, LARS  
KENYON, NICHOLAS KUBERA,  
JOSHUA KURCZEWSKI,  
JONATHAN MARTINES, ADAM  
MENGDEN, JOSHUA MONCKTON,  
JONAH NEUMAN, AIDAN O'BRIEN,  
DONALD PRIOR, MATTHEW  
REINMUND, LUCAS ROCKWELL,  
JOSEPH SALA, MICHAEL ANGELO  
SCHIAVONE, BOHAN SONG, LUKE  
VISSER, PARKER YOCHIM, AND  
ST. MORITZ SECURITY SERVICES,  
INC.

Defendants.

CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMANDED

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UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JAMES PIAZZA and EVELYN  
PIAZZA, Individually, and as  
Administrators of the ESTATE of  
TIMOTHY J. PIAZZA, DECEASED  
c/o Kline & Specter, P.C.  
1525 Locust Street  
The Nineteenth Floor  
Philadelphia, PA 19102

Plaintiffs,

vs.

BRENDAN YOUNG  
3 Tunbridge Lane  
Malvern, PA 19355

and

DANIEL CASEY  
2275 Chestnut Avenue  
Ronkonkoma, NY 11779

and

BRAXTON BECKER  
2212 Rosendale Road  
Niskayuna, NY 12308

CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMANDED

and

MICHAEL BONATUCCI  
4088 Dream Catcher Drive  
Woodstock, GA 30189

and

RYAN BURKE  
1734 N. Washington Avenue  
Scranton, PA 18509

and

JERRY COYNE  
1105 Saint Ann Street  
Scranton, PA 18504

and

GARY DIBILEO, JR.  
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Scranton, PA 18504

and

JOSEPH EMS  
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and

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Phoenixville, PA 19460

and

EDWARD JAMES GILMARTIN, III  
1737 N. Washington Avenue  
Scranton, PA 18509

and

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602 Windfield Court  
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and

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and

LARS KENYON  
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and

NICHOLAS KUBERA  
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Downingtown, PA 19335

and

JOSHUA KURCZEWSKI  
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Erie, PA 16509

and

JONATHAN MARTINES  
106 Healey Hill Road  
Greenfield Township, PA 18407

and

ADAM MENGDEN  
220 Athena Court  
Wilmington, DE 19808

and

JOSHUA MONCKTON  
268 Hollow Branch Lane  
Yardley, PA 19067

and

JONAH NEUMAN  
43 Vaughns Gap Road  
Nashville, TN 37205

and

AIDAN O'BRIEN  
812 Shadow Farm Road  
West Chester, PA 19380

and

DONALD PRIOR  
4 Oakview Lane  
Westport, CT 06880

and

MATTHEW REINMUND  
3924 Edge Road  
Pittsburgh, PA 15227

and

LUCAS ROCKWELL  
8039 Mitchell Loop SW  
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Washington, DC 20032

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JOSEPH SALA  
234 Arbuckle Road  
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and

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1430 Pheasant Run Circle  
Yardley, PA 19067

and

BOHAN SONG  
1200 Wembley Drive  
Wayne, PA 19807

and

LUKE VISSER  
840 Calle Santa Cruz  
Encinitas, CA 92024

and

PARKER YOCHIM  
601 Colt Station Road  
Waterford, PA 16441

and

ST. MORITZ SECURITY SERVICES,  
INC.  
106 Healey Hill Road  
Greenfield Township, PA 18407

Defendants.

Plaintiffs James and Evelyn Piazza, as Administrators of the Estate of Timothy J. Piazza, and in their own right, file this Complaint against Brendan Young, Daniel Casey, Braxton Becker, Michael Bonatucci, Ryan Burke, Jerry Coyne, Gary DiBileo, Jr., Joseph Ems, Casey Funk, Edward James Gilmartin, III, Craig Heimer, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Joshua



Kurczewski, Jonathan Martines, Adam Mengden, Joshua Monckton, Jonah Neuman, Aidan O'Brien, Donald Prior, Matthew Reinmund, Lucas Rockwell, Joseph Sala, Michael Angelo Schiavone, Bohan Song, Luke Visser, and Parker Yochim (collectively "Fraternity Defendants"), and St. Moritz Security Services, Inc., (or "St. Moritz") (all defendants together referred to as "Defendants") arising from their negligent, careless, reckless, and outrageous conduct, and allege as follows:

## **I. INTRODUCTION**

1. This matter arises from the Fraternity Defendants' collective efforts to plan, organize, orchestrate, facilitate, and otherwise participate in a hazing event at the fraternity house of the Alpha Upsilon Chapter of the Fraternity of Beta Theta Pi on the night of February 2, 2017. The Fraternity Defendants negligently, recklessly, and outrageously forced, coerced, encouraged, or otherwise caused Pennsylvania State University sophomore Timothy Piazza to consume life-threatening amounts of alcohol, and caused him to become intoxicated, fall, and suffer grievous injuries and death. For more than 11 hours after his fall, Timothy Piazza endured horrible pain and suffering, which was documented by closed-circuit cameras. Video from that night shows Timothy Piazza writhing and deteriorating. Despite knowing the serious nature of Timothy Piazza's fall, and despite knowing that some fraternity members wanted Piazza to receive professional medical care, the Fraternity Defendants did not seek medical care for him until it was too late. Upon realizing the grave

consequences of their conduct, the Fraternity Defendants unsuccessfully sought to conceal evidence of their hazing.

2. Defendant St. Moritz was responsible for providing “social checkers” to ensure that fraternities followed all Pennsylvania State University Interfraternity Council (also referred to as the “IFC”) policies regarding fraternity recruitment, hazing, and underage drinking. Prior to Timothy Piazza’s fall, St. Moritz employees spent approximately two to three minutes at the fraternity house, ostensibly checking for any violations of IFC policies. St. Moritz’s sham inspection enabled the Fraternity Defendants to continue hazing Timothy Piazza and others.

3. Plaintiffs bring this action pursuant to Pennsylvania’s Wrongful Death Act, 42 Pa.C.S. § 8301, and Pennsylvania’s Survival Act, 42 Pa.C.S. § 8302, to recover damages for the devastating injuries and death needlessly caused by the negligent, reckless, and outrageous conduct of the Defendants as further alleged below.

## **II. THE PARTIES**

### **A. PLAINTIFFS**

4. Plaintiff, James M. Piazza, as Administrator of the Estate of Timothy J. Piazza, is an adult individual and citizen of New Jersey, who may be contacted through his counsel, Thomas R. Kline, Esquire or David C. Williams, Esquire, 1525 Locust Street, the Nineteenth Floor, Philadelphia, Pennsylvania 19102.

5. Plaintiff, Evelyn E. Piazza, as Administrator of the Estate of Timothy J. Piazza, is an adult individual and citizen of New Jersey, who may be contacted through her counsel, Thomas R. Kline, Esquire or David C. Williams, Esquire, 1525 Locust Street, the Nineteenth Floor, Philadelphia, Pennsylvania 19102.

6. Letters of Administration Ad Prosequendum were granted on April 4, 2017 by the Hunterdon County Surrogate's Court, New Jersey. *See* Letters of Administration Ad Prosequendum attached hereto as **Exhibit A**.

**B. DEFENDANTS**

**1. St. Moritz**

7. Defendant, St. Moritz Security Services, Inc. (or "St. Moritz"), is a corporation or other jural entity, organized and existing pursuant to the laws of the Commonwealth of Pennsylvania, with its principal place of business located at 4600 Clairton Boulevard, Pittsburgh, PA 15236.

**2. Fraternity Defendants**

8. The below members of the Alpha Upsilon Chapter of the Fraternity of Beta Theta Pi (or "Alpha Upsilon") planned, orchestrated, organized, oversaw, participated in, facilitated, or otherwise implemented the pledge activities occurring at Alpha Upsilon's fraternity house located at 220 N. Burrowes Street, State College, PA 16801 (or the "subject premises") on February 2, 2017.

**i. Brendan Young**

9. Defendant, Brendan Young (or “Defendant Young”), is an adult individual and citizen of the Commonwealth of Pennsylvania, residing therein at 3 Tunbridge Lane, Malvern, PA 19355.

10. Defendant Young became a member of Alpha Upsilon in fall 2014.

**ii. Daniel Casey**

11. Defendant, Daniel Casey (or “Defendant Casey”), is an adult individual and citizen of the State of New York, residing therein at 2275 Chestnut Avenue, Ronkonkoma, NY 11779.

12. Defendant Casey became a member of Alpha Upsilon in fall 2015.

**iii. Braxton Becker**

13. Defendant, Braxton Becker (or “Defendant Becker”), is an adult individual and citizen of the State of New York, residing therein at 2212 Rosendale Road Niskayuna, NY 12308.

14. Defendant Becker became a member of Alpha Upsilon in fall 2014.

**iv. Michael Bonatucci**

15. Defendant, Michael Bonatucci (or “Defendant Bonatucci”), is an adult individual and citizen of the State of Georgia, residing therein at 4088 Dream Catcher Drive, Woodstock, GA 30189.

16. Defendant Bonatucci became a member of Alpha Upsilon in fall 2016.

**v. Ryan Burke**

17. Defendant, Ryan Burke (or “Defendant Burke”), is an adult individual and citizen of the Commonwealth of Pennsylvania, residing therein at 1734 N. Washington Avenue, Scranton, PA 18509.

18. Defendant Burke became a member of Alpha Upsilon in spring 2016.

**vi. Jerry Coyne**

19. Defendant, Jerry Coyne (or “Defendant Coyne”), is an adult individual and citizen of the Commonwealth of Pennsylvania, residing therein at 1105 Saint Ann Street, Scranton, PA 18504.

20. Defendant Coyne became a member of Alpha Upsilon in or about spring 2016.

**vii. Gary DiBileo**

21. Defendant, Gary DiBileo, Jr. (or “Defendant DiBileo”), is an adult individual and citizen of the Commonwealth of Pennsylvania, residing therein at 102 Whitetail Drive, Scranton, PA 18504.

22. Defendant DiBileo became a member of Alpha Upsilon in fall 2016.

**viii. Joseph Ems**

23. Defendant, Joseph Ems (or “Defendant Ems”), is an adult individual and citizen of the Commonwealth of Pennsylvania, residing therein at 3819 Millbrook Road, Philadelphia, PA 19154.

24. Defendant Ems became a member of Alpha Upsilon in or about fall 2015.

**ix. Casey Funk**

25. Defendant, Casey Funk (or “Defendant Funk”), is an adult individual and citizen of the Commonwealth of Pennsylvania, residing therein at 163 Maryhill Road, Phoenixville, PA 19460.

26. Defendant Funk became a member of Alpha Upsilon in fall 2016.

**x. Edward Gilmartin**

27. Defendant, Edward James Gilmartin, III (or “Defendant Gilmartin”), is an adult individual and citizen of the Commonwealth of Pennsylvania, residing therein at 1737 N. Washington Avenue, Scranton, PA 18509.

28. Defendant Gilmartin became a member of Alpha Upsilon in fall 2015.

**xi. Craig Heimer**

29. Defendant, Craig Heimer (or “Defendant Heimer”), is an adult individual and citizen of the Commonwealth of Pennsylvania, residing therein at 602 Windfield Court, Port Matilda, PA 16870.

30. Defendant Heimer became a member of Alpha Upsilon in spring 2016.

**xii. Jonathan Kanzler**

31. Defendant, Jonathan Kanzler (or “Defendant Kanzler”), is an adult individual and citizen of the Commonwealth of Pennsylvania, residing therein at 6405 Winding Road, Coopersburg, PA 18036.

32. Defendant Kanzler became a member of Alpha Upsilon in fall 2016.

**xiii. Lars Kenyon**

33. Defendant, Lars Kenyon (or “Defendant Kenyon”), is an adult individual and citizen of the State of Rhode Island, residing therein at 5 Vincent Paul Drive, Barrington, RI 02806.

34. Defendant Kenyon became a member of Alpha Upsilon in fall 2016.

**xiv. Nicholas Kubera**

35. Defendant, Nicholas Kubera (or “Defendant Kubera”), is an adult individual and citizen of the Commonwealth of Pennsylvania, residing therein at 911 Jessica Terrace, Downingtown, PA 19335.

36. Defendant Kubera became a member of Alpha Upsilon in fall 2016.

**xv. Joshua Kurczewski**

37. Defendant, Joshua Kurczewski (or “Defendant Kurczewski”), is an adult individual and citizen of the Commonwealth of Pennsylvania, residing therein at 8140 Old French Road, Erie, PA 16509.

38. Defendant Kurczewski became a member of Alpha Upsilon in fall 2016.

**xvi. Jonathan Martines**

39. Defendant, Jonathan Martines (or “Defendant Martines”), is an adult individual and citizen of the Commonwealth of Pennsylvania, residing therein at 106 Healey Hill Road, Greenfield Township, PA 18407.

40. Defendant Martines became a member of Alpha Upsilon in fall 2015.

**xvii. Adam Mengden**

41. Defendant, Adam Mengden (or “Defendant Mengden”), is an adult individual and citizen of the State of Delaware, residing therein at 220 Athena Court, Wilmington, DE 19808.

42. Defendant Mengden became a member of Alpha Upsilon in spring 2016.

**xviii. Joshua Monckton**

43. Defendant, Joshua Monckton (or “Defendant Monckton”), is an adult individual and citizen of the Commonwealth of Pennsylvania, residing therein at 268 Hollow Branch Lane, Yardley, PA 19067.

44. Defendant Monckton became a member of Alpha Upsilon in fall 2016.

**xix. Jonah Neuman**

45. Defendant, Jonah Neuman (or “Defendant Neuman”), is an adult individual and citizen of the State of Tennessee, residing therein at 43 Vaughns Gap Road, Nashville, TN 37205.

46. Defendant Neuman became a member of Alpha Upsilon in or about fall 2015.



**xx. Aidan O'Brien**

47. Defendant, Aidan O'Brien (or "Defendant O'Brien"), is an adult individual and citizen of the Commonwealth of Pennsylvania, residing therein at 812 Shadow Farm Road, West Chester, PA 19380.

48. Defendant O'Brien became a member of Alpha Upsilon in fall 2016.

**xxi. Donald Prior**

49. Defendant, Donald Prior (or "Defendant Prior"), is an adult individual and citizen of the State of Connecticut, residing therein at 4 Oakview Lane, Westport, CT 06880.

50. Defendant Prior became a member of Alpha Upsilon in or about fall 2015.

**xxii. Matthew Reinmund**

51. Defendant, Matthew Reinmund (or "Defendant Reinmund"), is an adult individual and citizen of the Commonwealth of Pennsylvania, residing therein at 3924 Edge Road, Pittsburgh, PA 15227.

52. Defendant Reinmund became a member of Alpha Upsilon in fall 2015.

**xxiii. Lucas Rockwell**

53. Defendant, Lucas Rockwell (or "Defendant Rockwell"), is an adult individual and citizen of the District of Columbia, residing therein at 8039 Mitchell Loop SW, Bolling AFB, Washington, DC 20032.

54. Defendant Rockwell became a member of Alpha Upsilon in or about fall 2015.

**xxiv. Joseph Sala**

55. Defendant, Joseph Sala (or “Defendant Sala”), is an adult individual and citizen of the Commonwealth of Pennsylvania, residing therein at 234 Arbuckle Road, Erie, PA 16509.

56. Defendant Sala became a member of Alpha Upsilon in fall 2016.

**xxv. Michael Angelo Schiavone**

57. Defendant, Michael Angelo Schiavone (or “Defendant Schiavone”), is an adult individual and citizen of the Commonwealth of Pennsylvania, residing therein at 1430 Pheasant Run Circle, Yardley, PA 19067.

58. Defendant Schiavone became a member of Alpha Upsilon in spring 2016.

**xxvi. Bohan Song**

59. Defendant, Bohan Song (or “Defendant Song”), is an adult individual and citizen of the Commonwealth of Pennsylvania, residing therein at 1200 Wembley Drive, Wayne, PA 19807.

60. Defendant Song became a member of Alpha Upsilon in fall 2016.

**xxvii. Luke Visser**

61. Defendant, Luke Visser (or “Defendant Visser”), is an adult individual and citizen of the State of California, residing therein at 840 Calle Santa Cruz, Encinitas, CA 92024.

62. Defendant Visser became a member of Alpha Upsilon in fall 2016.

**xxviii. Parker Yochim**

63. Defendant, Parker Yochim (or “Defendant Yochim”), is an adult individual and citizen of the Commonwealth of Pennsylvania, residing therein at 601 Colt Station Road, Waterford, PA 16441.

64. Defendant Yochim became a member of Alpha Upsilon in fall 2016.

**III. JURISDICTION AND VENUE**

65. Federal jurisdiction in this action is predicated upon diversity of citizenship under statutory authority of 28 U.S.C. § 1332. The amount in controversy exceeds \$75,000.00.

66. For purposes of diversity under 28 U.S.C. § 1332, Plaintiffs are citizens of the State of New Jersey, Defendant Visser is a citizen of the State of California, Defendant Prior is a citizen of the State of Connecticut, Defendant Mengden is a citizen of the State of Delaware, Defendant Bonatucci is a citizen of the State of Georgia, Defendants Casey and Becker are citizens of the State of New York, Defendant Kenyon is a citizen of the State of Rhode Island, Defendant Neuman is a

citizen of the State of Tennessee, and all other defendants are citizens of the Commonwealth of Pennsylvania.

67. Venue is proper in the Middle District of Pennsylvania pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claim occurred in this District with respect to the civil action in question.

#### **IV. THE PENNSYLVANIA ANTIHAZING LAW**

68. At all relevant times, Pennsylvania's "Antihazing Law," 24 P.S. §§ 5351-5354, prohibited hazing throughout the Commonwealth.<sup>1</sup>

69. At all relevant times, Pennsylvania law defined "hazing" as follows:

Any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a person or which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization.

24 P.S. § 5352.

70. Hazing includes, but is not limited to:

any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual, and shall include any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any

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<sup>1</sup> On October 19, 2018, Pennsylvania Governor Tom Wolf signed the Timothy J. Piazza Antihazing Law, which became effective on November 18, 2018, superseding the Antihazing Law in effect at the time of Timothy Piazza's death.

other forced activity which could adversely affect the mental health or dignity of the individual, or any willful destruction or removal of public or private property.

*Id.*

71. Engagement in any of the above-described activities “upon which the initiation or admission into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be ‘forced’ activity, the willingness of an individual to participate in such activity notwithstanding.” *Id.*

## **V. BACKGROUND**

### **A. BETA THETA PI AND THE ALPHA UPSILON CHAPTER**

72. Beta Theta Pi is “a men’s college fraternity” that has “more than 120,000 living members including some 6,000 collegians on 121 campuses in the United States and Canada.” *See* “What is Beta?” *available at* [https://betapsu.2stayconnected.com/index.php?option=com\\_content&view=article&id=209&Itemid=562](https://betapsu.2stayconnected.com/index.php?option=com_content&view=article&id=209&Itemid=562) (last accessed Apr. 9, 2017).

73. At all relevant times, Beta Theta Pi chartered the Alpha Upsilon Chapter of the Fraternity of Beta Theta Pi at the subject premises.

74. At all relevant times, “The Code of Regulations of Beta Theta Pi” (or the “Code of Beta Theta Pi”) prohibited hazing as follows: “Hazing activities, including, but not limited to, physical punishment, public embarrassment, and

distasteful practices generally, are absolutely forbidden.” Code of Beta Theta Pi at p. 31 (Revised Aug. 2016).

75. At all relevant times, the “Risk Management Policy of Beta Theta Pi” (or “Beta Risk Management Policy”) provided:

#### **ALCOHOL AND DRUGS**

The Risk Management Policy of Beta Theta Pi includes, but is not limited to, the following provisions which shall apply to all fraternity chapters, colonies and levels of fraternity membership.

1. The possession, use and/or consumption of alcoholic beverages by any fraternity member or guest while on chapter premises, during an official fraternity event, or in any situation sponsored or endorsed by the chapter, or at any event an observer would associate with the fraternity, must be in compliance with all applicable laws of the state, province, county, city, institution or other controlling entity and must be either BYOB or adhere to a Third Party Vendor system.
2. Abuse of the consumption of alcoholic beverages by any fraternity member or guest while on chapter premises, during an official fraternity event, or in any situation sponsored or endorsed by the chapter shall be prohibited. **No member shall permit, tolerate, encourage or participate in “drinking games” or other activities that encourage excessive consumption of alcohol.**
3. No fraternity members, individually or collectively, shall purchase for, serve, or sell alcoholic beverages to minors (i.e., those under legal “drinking age”).
4. No alcoholic beverages may be purchased through the chapter treasury, nor may the purchase of alcoholic beverages for members or guests be undertaken or

coordinated by any member in the name of, or on behalf of the chapter. Pooling of funds is not permitted.

5. No alcohol shall be present at any recruitment activity, pledge activity or induction, pre-initiation and initiation ceremonies.
6. No chapter may co-sponsor or co-finance a function where alcohol is purchased by any of the host chapters, groups or organizations.

...

9. A sufficient number of mature party monitors must be adequately trained and instructed not to consume alcoholic beverages prior to, or while fulfilling, the role of party monitor.

Code of Beta Theta Pi at p. 52 (Revised Aug. 2016) (emphasis original).

76. At all relevant times, the Beta Risk Management Policy provided:

#### **HAZING**

No chapter, colony, collegiate member or alumnus shall engage in hazing activities. Permission or approval by a person being hazed is not a defense. Hazing activities are defined as:

Any action taken or situation created intentionally or through gross negligence, whether on or off fraternity premises, to produce mental or physical discomfort, embarrassment, harassment, or ridicule. Such activities may include, but are not limited to, the following: use of alcohol; paddling in any form; creation of excessive fatigue; physical and psychological shocks; quests, treasure hunts, scavenger hunts, road trips or any other such activities carried on outside or inside the confines of the chapter house; wearing of public apparel which is conspicuous and not normally in good taste; engaging in public stunts; morally degrading or humiliating games and activities; and any other activities which are not consistent with state law, fraternal law, ritual or policy or the regulations and policies of the educational institution.

Code of Beta Theta Pi at p. 52 (Revised Aug. 2016) (emphasis original).

77. At all relevant times the Fraternity Defendants were required to adhere to the Code of Beta Theta Pi and the Beta Risk Management Policy.

78. On information and belief, at all relevant times the Fraternity Defendants pledged or otherwise agreed to adhere to the Beta Theta Pi “Men of Principle” initiative, which required a “five-person trained and active advisory team” for Alpha Upsilon; alcohol-free recruitment; elimination of “the rogue ‘National Test’ (also known as ‘The Shep Test’)”; and commitment “to a 100% hazing-free pledge program.” *See* Beta Theta Pi, “The Men of Principle Initiative” *available at* <https://beta.org/about/men-of-principle-initiative/> (last accessed Jan. 15, 2019).

**B. ST. MORITZ**

79. Since at least 2010, the IFC has retained St. Moritz to enforce IFC policies at fraternity and sorority social functions at the Pennsylvania State University (or “Penn State”). Centre Daily Times, “Security firm finds niche at PSU frats,” Feb. 27, 2010, *available at* <http://www.centredaily.com/news/special-reports/article42801528.html> (last accessed Jan. 2, 2019); *see* Daily Collegian, “Penn State IFC utilizes social checkers to ensure safety at social functions,” Mar. 4, 2015, *available at* [http://www.collegian.psu.edu/news/campus/article\\_adbe6266-c2d6-11e4-ae37-0bfaa7b06a11.html](http://www.collegian.psu.edu/news/campus/article_adbe6266-c2d6-11e4-ae37-0bfaa7b06a11.html) (last accessed Jan. 2, 2019) (“[Then-]IFC President Rick Groves...said the guards, also known as social checkers, operate as



the IFCs eyes and ears, ensuring all risk policies are being followed and things are kept under control.”).

80. At all relevant times, St. Moritz was obligated “to make sure the fraternities hosting socials and parties are following the rules as written In the IFC bylaws....” Daily Collegian, “Penn State IFC utilizes social checkers to ensure safety at social functions,” Mar. 4, 2015, *available at* [http://www.collegian.psu.edu/news/campus/article\\_adbe6266-c2d6-11e4-ae37-0bfaa7b06a11.html](http://www.collegian.psu.edu/news/campus/article_adbe6266-c2d6-11e4-ae37-0bfaa7b06a11.html) (last accessed Jan. 2, 2019).

81. At all relevant times, St. Moritz sent out “roving patrols” to “make sure social events are within [IFC] guidelines....” Centre Daily Times, “Security firm finds niche at PSU frats,” Feb. 27, 2010, *available at* <http://www.centredaily.com/news/special-reports/article42801528.html> (last accessed Jan. 2, 2019).

82. At all relevant times, St. Moritz employees had a “checklist we follow, going into the fraternity houses and making sure all the rules and regulations are being followed before we leave to check the next house.” Daily Collegian, “Penn State IFC utilizes social checkers to ensure safety at social functions,” Mar. 4, 2015, *available at* [http://www.collegian.psu.edu/news/campus/article\\_adbe6266-c2d6-11e4-ae37-0bfaa7b06a11.html](http://www.collegian.psu.edu/news/campus/article_adbe6266-c2d6-11e4-ae37-0bfaa7b06a11.html) (last accessed Jan. 2, 2019).

83. At all relevant times, “the checkers fill out sheets as they are making their rounds, which are then sent to [the IFC] for review for violations.” *Id.*

84. At all relevant times, if a fraternity was “not following the rules...the first thing the checkers do is try to correct the problem, but if it continues, [the IFC is] contacted and will decide on what further actions to take.” *Id.*

85. The IFC held a “Spring 2017 Recruitment Program” from January 29 to February 4, 2017.

86. The IFC Spring 2017 Recruitment policy prohibited pledges (also referred to as “Potential New Members”) from attending social functions between January 29 and February 4, 2017 as follows:

**SOCIAL FUNCTIONS:** Fraternities may host registered social events at their houses. **Chapters will not be permitted to allow ANY male freshmen or registered Potential New Members, regardless of semester standing, to attend these social functions.** This policy will be strictly enforced.

IFC Spring 2017 Recruitment Policy (emphasis original).

87. One of the IFC Spring 2017 Recruitment Policy goals was to “provide Potential New Members with a realistic understanding of Fraternity membership by: Supporting the Potential New Members and their adjustment to Penn State by limiting their social experience at fraternity houses during the recruitment period to alcohol-free events.” IFC Spring 2017 Recruitment Policy at p. 1.

88. The IFC Spring 2017 Recruitment Program prohibited alcohol as follows: “Alcohol may not be present or provided at any time at any Recruitment event. Freshmen males and all registered Potential New Members, regardless of

semester standing, may not be present at any events where alcohol is being served.”

IFC Spring 2017 Recruitment Policy at p. 5.

89. IFC Spring 2017 Recruitment Policy required that all Potential New Members “wear one official IFC Recruitment wristband throughout the duration of recruitment.” IFC Spring 2017 Recruitment Policy at p. 6.

90. At all relevant times, the IFC Constitution and By-laws provided:

**Section 3: Formal New Member Recruitment Standards**

...

**B. Dry Recruitment Policy:** Alcohol shall be strictly forbidden from the formal recruitment process.

1. Chapters and their members shall not be permitted to have alcohol present at a recruitment event.

2. Potential New Members shall not be permitted to attend any function where alcohol is present.

IFC Constitution and By-laws at p. 19 (Updated Jan. 9, 2017) (emphasis original).

91. At all relevant times, the IFC Constitution and By-laws further provided:

**Section 4: New Member Regulations**

...

I. Alcohol shall not be present at any new member program, activity or ritual of the Chapter, or programs for the development in members of leadership responsibility, and the appreciation of moral, spiritual and intellectual values, consistent with their ideals and teachings.

J. All new members must be registered with Interactive Collegiate Services (ICS) program prior to the end of recruitment.

IFC Constitution and By-laws at p. 21 (Updated Jan. 9, 2017).

## **VI. MATERIAL FACTS**

### **A. TIMOTHY PIAZZA**

92. At all relevant times, Timothy Piazza was enrolled as a student at Penn State.

93. At all relevant times, Timothy Piazza was a Potential New Member, as set forth in the IFC Spring 2017 Recruitment Policy.

94. At all relevant times, Timothy Piazza was under the age of 21.

### **B. THE ALPHA UPSILON CHAPTER OF THE FRATERNITY OF BETA THETA PI**

#### **1. Alpha Upsilon Executive Board**

95. At all relevant times, the “Alpha Upsilon Executive Board” consisted of Brendan Young, Edward Gilmartin, Daniel Casey, Adam Mengden, Ryan Burke, Michael Angelo Schiavone, Matthew Reinmund, Jonathan Martines, and Braxton Becker.

96. At all relevant times, Defendant Young served as the President of Alpha Upsilon.

97. At all relevant times, Defendant Gilmartin served as the Alpha Upsilon Executive Vice President.

98. At all relevant times, Defendant Casey served as the Alpha Upsilon Administrative Vice President.

99. At all relevant times, Defendant Mengden served as the Alpha Upsilon Vice President of Finance.

100. At all relevant times, Defendant Burke served as the Alpha Upsilon Vice President of Recruitment.

101. At all relevant times, Defendant Schiavone served as the Alpha Upsilon Vice President of Risk Management.

102. At all relevant times, Defendant Reinmund served as the Alpha Upsilon Vice President of Programming.

103. At all relevant times, Defendant Martines served as the Alpha Upsilon Vice President of Communications.

104. At all relevant times, Defendant Becker served as the Alpha Upsilon House Manager.

105. At all relevant times, the Alpha Upsilon Executive Board held meetings at which they discussed events involving pledges.

106. At all relevant times, the Alpha Upsilon Executive Board held meetings at which they discussed events involving Potential New Members.

107. At all relevant times, the Alpha Upsilon Executive Board held meetings at which they discussed obtaining alcohol for Alpha Upsilon events.

108. At all relevant times, the Alpha Upsilon Executive Board held meetings at which they discussed registering Alpha Upsilon events with Penn State or the IFC.

109. At all relevant times, the Alpha Upsilon Executive Board held meetings at which they discussed obtaining permission from Penn State or the IFC to have alcohol at Alpha Upsilon events.

110. At all relevant times, the Alpha Upsilon Executive Board discussed events involving pledges and Potential New Members, obtaining alcohol for Alpha Upsilon events, and obtaining permission from Penn State or the IFC to have alcohol at Alpha Upsilon events.

111. On information and belief, the Alpha Upsilon Executive Board discussed and planned the purchase of alcohol for Bid Acceptance Night, described in Part VI.E, below.

112. On information and belief, the Alpha Upsilon Executive Board discussed and planned the hazing of the pledges during Bid Acceptance Night, described in Part VI.E, below.

113. On information and belief, the Alpha Upsilon Executive Board members Brendan Young, Edward Gilmartin, Daniel Casey, Adam Mengden, Ryan Burke, Michael Angelo Schiavone, Matthew Reinmund, Jonathan Martines, and Braxton Becker planned, orchestrated, organized, oversaw, participated in, facilitated, or directed the hazing of pledges, including Timothy Piazza, on February 2, 2017.

## **2. Alpha Upsilon Pledge Education Committee**

114. At all relevant times, the Alpha Upsilon “Pledge Education Committee” consisted of Daniel Casey, Joseph Sala, and Donald Prior.

115. At all relevant times, Defendant Casey was in charge of pledge education (also known as the “Pledge Master”) for Alpha Upsilon.

116. At all relevant times, Defendant Sala served as “Assistant Pledge Educator” (or “Assistant Pledge Master”) for Alpha Upsilon.

117. At all relevant times, the Alpha Upsilon Pledge Education Committee held meetings at which they discussed events involving pledges.

118. At all relevant times, the Alpha Upsilon Pledge Education Committee held meetings at which they discussed events involving Potential New Members.

119. At all relevant times, the Alpha Upsilon Pledge Education Committee held meetings at which they discussed obtaining alcohol for Alpha Upsilon events.

120. At all relevant times, the Alpha Upsilon Pledge Education Committee held meetings at which they discussed registering Alpha Upsilon events with Penn State or the IFC.

121. At all relevant times, the Alpha Upsilon Pledge Education Committee held meetings at which they discussed obtaining permission from Penn State or the IFC to have alcohol at Alpha Upsilon events.

122. At all relevant times, the Alpha Upsilon Pledge Education Committee discussed events involving pledges and Potential New Members, obtaining alcohol for Alpha Upsilon events, and obtaining permission from Penn State or the IFC to have alcohol at Alpha Upsilon events.

123. On information and belief, the Alpha Upsilon Pledge Education Committee discussed and planned the purchase of alcohol for Bid Acceptance Night, described in Part VI.E, below.

124. On information and belief, the Alpha Upsilon Pledge Education Committee discussed and planned the hazing of the pledges during Bid Acceptance Night, described in Part VI.E, below.

125. On information and belief, Daniel Casey, Joseph Sala, and Donald Prior planned, orchestrated, organized, oversaw, participated in, facilitated, or directed the hazing of pledges, including Timothy Piazza, on February 2, 2017.

**3. Alpha Upsilon Recruitment Committee**

126. On information and belief, at all relevant times the Alpha Upsilon “Rush Committee” (or “Recruitment Committee”) consisted of Ryan Burke, Joseph Ems, Matthew Reinmund, Lucas Rockwell, Parker Yochim, and Lars Kenyon.

127. At all relevant times, Alpha Upsilon Vice President of Recruitment Ryan Burke was responsible for pledge recruitment for Alpha Upsilon.

128. At all relevant times, the Alpha Upsilon Rush Committee discussed events involving pledges.

129. At all relevant times, the Alpha Upsilon Rush Committee discussed events involving Potential New Members.

130. At all relevant times, the Alpha Upsilon Rush Committee discussed obtaining alcohol for Alpha Upsilon events.

131. At all relevant times, the Alpha Upsilon Rush Committee discussed registering Alpha Upsilon events with Penn State or the IFC.



132. At all relevant times, the Alpha Upsilon Rush Committee discussed obtaining permission from Penn State or the IFC to have alcohol at Alpha Upsilon events.

133. On information and belief, the Alpha Upsilon Rush Committee discussed and planned the purchase of alcohol for Bid Acceptance Night, described in Part VI.E, below.

134. On information and belief, the Alpha Upsilon Rush Committee discussed and planned the hazing of the pledges during Bid Acceptance Night, described in Part VI.E, below.

135. On information and belief, Ryan Burke, Joseph Ems, Matthew Reinmund, Lucas Rockwell, Parker Yochim, and Lars Kenyon planned, orchestrated, organized, oversaw, participated in, facilitated, or directed the hazing of pledges, including Timothy Piazza, on February 2, 2017.

**4. Alpha Upsilon Social Committee / “we f\*ck moms” Chat Group**

136. At all relevant times, the Alpha Upsilon “Social Committee” included the participants in the “we f\*ck moms” chat group and consisted of Michael Angelo Schiavone, Joshua Monckton, Parker Yochim, and Lars Kenyon.

137. At all relevant times, the Alpha Upsilon Social Committee discussed obtaining alcohol for Alpha Upsilon events.

138. At all relevant times, the Alpha Upsilon Social Committee discussed registering Alpha Upsilon events with Penn State or the IFC.

139. At all relevant times, the Alpha Upsilon Social Committee discussed obtaining permission from Penn State or the IFC to have alcohol at Alpha Upsilon events.

140. On information and belief, the Alpha Upsilon Social Committee discussed and planned the purchase of alcohol for Bid Acceptance Night, described in Part VI.E, below.

141. On information and belief, the Alpha Upsilon Social Committee discussed and planned the hazing of the pledges during Bid Acceptance Night, described in Part VI.E, below.

142. On information and belief, Michael Angelo Schiavone, Joshua Monckton, Parker Yochim, and Lars Kenyon planned, orchestrated, organized, oversaw, participated in, facilitated, or directed the hazing of pledges, including Timothy Piazza, on February 2, 2017.

**C. DEFENDANTS YOUNG AND CASEY'S PRIOR HAZING CONDUCT**

143. At all relevant times, Defendant Young was aware that hazing would occur during Bid Acceptance Night because he had engaged in prior acts of hazing as Alpha Upsilon's Pledge Master in 2016.

144. On or about September 15, 2016, Defendant Young wrote, "I have the obstacle course set up. I just needs [sic] guys to read and to be involved in the drinking tonight."

145. On or about November 30, 2016, Defendant Young wrote, “I’ve got pledges to paddle.”

146. On or about December 1, 2016, Defendant Young wrote, “I’m burnt out from hazing.”

147. At all relevant times, Defendant Casey was aware that hazing would occur during Bid Acceptance Night because he had engaged in prior acts of hazing as the Alpha Upsilon’s Assistant Pledge Master in 2016.

148. At all relevant times, Defendants Young and Casey were aware of the injuries that could result from excessive alcohol consumption because in September 2016, they became aware of a pledge who had a “bad cut” and was “puking” due to hazing.

149. Defendant Young advised, “Let him sleep,” and after consulting with Defendant Becker, directed Defendant Casey to take the pledge to a MedExpress Urgent Care facility as follows: “Tell them last night when it happened it was too late to do anything about, you stopped the bleeding and bandaged it. This morning cleaned it out with hydrogen peroxide and put a small amount of antiseptic and a bandaid [sic] on it.”

**D. DEFENDANTS YOUNG AND CASEY’S PRIOR KNOWLEDGE OF THE  
WRONGFUL NATURE OF HAZING**

150. On or about January 7, 2017, Defendants Young and Casey corresponded as follows:

**Young: I know you know this. If anything goes wrong with the pledges this semester than both of us are f\*cked.**

**Casey: I know dude I'm not tryna f\*ck us at all we got bright futures....**

**Young: I'm thinking I'll be heavily involved with pledging**

**Casey: I'd like that**

**Young: At least first semester**

**Casey: I'd be asking you a lot of questions anyway**

**Young: For sure. It's your program. Let it rip**

**E. BID ACCEPTANCE NIGHT, FEBRUARY 2, 2017**

151. In 2017, Defendant Young extended an invitation (also known as a “bid”) to Timothy Piazza to become a member of Beta Theta Pi and Alpha Upsilon.

152. A “pledge” is a person who receives a bid to become a member in a fraternity but who has not yet been formally approved.

153. “Bid Acceptance” is the formal term for when a Potential New Member accepts an invitation to join a fraternity.

154. On the evening of Thursday, February 2, 2017, Alpha Upsilon held a “bid acceptance” event (hereinafter “Bid Acceptance Night”).

155. Bid Acceptance Night consisted of a series of drinking stations (hereinafter the “Gauntlet” or “obstacle course”) and, immediately thereafter, an event in the basement at which the pledges were caused to consume alcohol.

156. Pledges, including Timothy Piazza, participated in Bid Acceptance Night in furtherance of being formally approved as an Alpha Upsilon member.

157. At all relevant times, Defendant Young, as Alpha Upsilon's President, was responsible for Alpha Upsilon's management of Bid Acceptance Night.

158. At all relevant times, Defendant Casey, as Alpha Upsilon's Pledge Master, was responsible for Alpha Upsilon's management of Bid Acceptance Night.

**1. The Fraternity Defendants prepare for Bid Acceptance Night**

159. Defendant Heimer purchased alcohol for Bid Acceptance Night at the direction of Defendant Schiavone.

160. Between January 25 and February 2, 2017, Defendant Heimer purchased cases of Crowne Russe Vodka, cases of Natural Light Beer, 15 cases of Four Loko (a malt liquor), and boxes of wine for Bid Acceptance Night.

161. Between January 25 and February 2, 2017, Defendant Heimer purchased approximately \$1,179.30 of alcohol for Bid Acceptance Night.

162. Defendants Heimer and Schiavone coordinated the purchase of alcohol, including six handles of Crown Russe Vodka, for Bid Acceptance Night, in part, as follows:

**Schiavone: Can you buy 6 russe today please**

**Heimer: Ya**

**Schiavone: Will pay back**

**Heimer: For social dues**

**Heimer: Could I get dat 150 back pls**

**Heimer: Deal**

**Schiavone: don't forget the handles!!!**

**Heimer: I would never**

**Heimer: Handles are in your room**

163. A handle of alcohol is approximately 59.2 fluid ounces or 1.75 liters.

164. On or about February 2, 2017, Defendants Yochim and Casey coordinated obtaining alcohol, including Crown Russe Vodka, wine, and beer, for the pledges on Bid Acceptance Night as follows:

**Casey: Nah rouse is all good**

**Yochim: how many do you want**

**Yochim: so i know how many extra to cop**

**Casey: Only one handle a wine bag and a case**

**Casey: Actually 2 handles**

**Casey: No 1**

**Yochim: I'll get 2**

**Yochim: What time will the ritual be done**

**Casey: Not sure hopefully 10**

165. A case of beer contains approximately 24 beer cans.

166. Defendants Kenyon, Yochim, and Schiavone coordinated the acquisition and distribution of the alcohol to be served at Bid Acceptance Night.

167. On or about February 2, 2017, Defendants Kenyon, Schiavone, and Yochim texted the "we f\*ck moms" chat group as follows:

**Yochim:** Danny wants 2 handles a box of wine and a case for the pledges

**Schiavone:** WE ARE THE SLUSH FUND

**Schiavone:** social dues is the slush fund

**Schiavone:** We are literally a fund that collects money for booze  
...

**Schiavone:** What do we need to buy booze wise today

**Kenyon:** depends on how many cases are in Hinton's car

**Yochim:** 2 handles of russe a box of wine and a case for the new guys....

**Kenyon:** We have 6 wine boxes next to the sink behind the granite bar

**Schiavone:** Lars please stop taking the social key to your dorm with you

**Schiavone:** Beer is supposedly waiting outside of social closet because they brought it in lastnight  
...

**Schiavone:** craig is buying six handles  
...

**Schiavone:** Handles are in my room

**Schiavone:** Lock up handles , wine, and beer ASAP

**Kenyon:** There's already 18 handles in the closet

**Schiavone:** Well there are 6 in my room

**Kenyon:** I'm gonna shove them under your bed until we get pledges to walkThemDownstairs

**Schiavone:** Just put them in my bed

168. On information and belief, “Danny” in paragraph 167 refers to Defendant Casey.

169. On information and belief, “craig” in paragraph 167 refers to Defendant Heimer.

170. On or about February 2, 2017, Defendant Coyne coordinated purchase of a keg of beer to be used during Bid Acceptance Night with Defendant Casey as follows:

**Coyne: I’m in on the keg**

**Casey: Sweet**

171. On February 2, 2017, Defendants Casey and Kenyon discussed the ability of one of the pledges to participate in Bid Acceptance Night:

**Kenyon: I’m sure you already know this but [a pledge] has epilepsy. I talked to him and He’s off his meds from whatever sickness he had last week so he’s good to drink and thinks he’s good with any lights so everything should be normal**

**Casey: Ok sounds good**

172. On information and belief, Defendant Becker coordinated, secured, or otherwise facilitated the musical entertainment for Bid Acceptance Night.

173. Defendant DiBileo initiated the group communication in which the Gauntlet assignments were distributed to volunteer Alpha Upsilon members using the GroupMe software application.



174. On or about February 2, 2017, Defendant Song communicated with Defendant Casey as follows:

**Song: Yo i wanna work the obstacle course**

**Song: Ill be at the house around 815**

**Casey: Ok it's after the ceremony anyway**

**Casey: You guys can all work it out**

175. On information and belief, Defendant Song operated, supervised, or otherwise participated in the operation of a Gauntlet station.

176. On February 2, 2017, Defendant Casey texted Timothy Piazza as follows:

**Casey: This is your pledge master from Beta. Be outside the kitchen doors behind the house at 9:07. Dress code is shirt, tie and jacket. See you then Tim.**

**Casey: It would be wise not to be late.**

**2. The Fraternity Defendants serve Timothy Piazza with excessive amounts of alcohol during Bid Acceptance Night**

177. On February 2, 2017, Timothy Piazza and 13 other pledges attended Bid Acceptance Night at the Alpha Upsilon fraternity house at 220 N. Burrowes Street, State College, PA 16801.

178. Upon arrival at the subject premises, Timothy Piazza and the other pledges were led to the basement by Defendant Burke.

179. Defendant Burke then led Timothy Piazza and the other pledges upstairs, where they performed a Beta Theta Pi ritual during which they read from a book and sang songs.

180. After the ritual, Defendant Burke lined up Timothy Piazza and the other pledges in order of height and led them into the basement.

181. In the basement, Defendant Young addressed the pledges, signaled to Defendant Casey to take over, and left.

182. In the basement, Defendant Sala provided a handle of vodka to Defendant Casey, who instructed the pledges, including Timothy Piazza, to drink from said bottle.

183. Defendant Casey directed the pledges to finish the bottle before it reached the end of the line or the last pledge in line would be required to drink all that remained.

184. Once the bottle passed to the last pledge in line, it contained such an amount of alcohol that Defendant Casey directed the pledges to keep passing the bottle until they finished it.

185. Defendants Casey, Burke, and Sala oversaw the pledges as they consumed the bottle of vodka.

186. After finishing the vodka, Defendant Sala led Timothy Piazza and the other pledges outside.

187. Once outside, Defendant Sala directed Timothy Piazza and the other pledges to re-enter the house, one-by-one, to participate in the Gauntlet.

188. At all relevant times, Defendant Young was present for, oversaw, forced, and encouraged pledge participation in, the Gauntlet.

189. The purpose of the Gauntlet was to get the pledges drunk or intoxicated in a short amount of time.

190. Upon Defendant Casey knocking on the door to signal Defendant Sala, Defendant Sala would open the door, allowing each pledge to enter the house to commence the Gauntlet.

191. Upon entering the house, each pledge would encounter Defendant Casey holding a bottle of vodka (hereinafter the “vodka station”).

192. Upon entering the house, Defendant Casey handed each pledge, including Timothy Piazza, a bottle of vodka.

193. Defendant Casey caused Timothy Piazza to drink from the vodka bottle before Piazza was permitted to go to the next drinking station.

194. Defendant Funk participated in the vodka station, to include pushing pledges in the direction of the shotgun station, taking the vodka bottle from a pledge, and handing the vodka bottle to Defendant Casey to provide to the next pledge.

195. Defendants Young and Ems came to observe Defendants Casey, Sala, and Funk operate the vodka station.

196. After each pledge drank the vodka, Defendant Casey instructed him to run down the hallway to the next drinking station where he would “shotgun” a can of beer (hereinafter the “shotgun station”).

197. To “shotgun” a beer means to drink from a hole placed in the side of a beer can, enabling one to consume the alcohol quicker than drinking from the mouth of the beer can.

198. At all relevant times, Defendants Kubera, Bonatucci, and Neuman operated, supervised, or otherwise participated in the operation of the shotgun station.

199. At all relevant times, Defendant Bonatucci carried, transported, or otherwise delivered beer to the subject premises for use at the shotgun station.

200. Defendant Bonatucci carried a case of Natural Light beer into the subject premises, from which he and Defendant Kubera obtained beer cans to set up the shotgun station.

201. Defendants Bonatucci and Neuman handed beers to pledges at the shotgun station.

202. At the shotgun station, Defendants Kubera, Coyne, and Ems poured beer on pledges.

203. Defendant Kubera handed Timothy Piazza a can of beer and caused Piazza to shotgun the beer before Piazza was permitted to go to the next drinking station.

204. Upon completing the shotgun station, Timothy Piazza and the other pledges were directed to the next drinking station, where they were directed to consume wine from a bag held by a member of Alpha Upsilon (hereinafter the “wine station”).

205. At all relevant times, Defendant DiBileo operated, supervised, or otherwise participated in the operation of the wine station.

206. During the Gauntlet, certain pledges went upstairs after the shotgun station instead of proceeding to the wine station; Defendants Ems, Coyne, and Prior directed them to the wine station.

207. At the wine station, Defendant DiBileo caused pledges, including Timothy Piazza, to drink from the wine bag he held.

208. Upon completing the wine station, Timothy Piazza and the other pledges were directed to the next drinking station in the basement, where they were directed to play “beer pong” (hereinafter the “beer pong station”).

209. At the beer pong station, pledges were required to throw a ball into a plastic cup; if a pledge missed the cup, he would have to drink the contents of the cup.

210. At all relevant times, Defendant Visser operated, supervised, or otherwise participated in the operation of the beer pong station.

211. At the beer pong station, Defendant Visser poured a can of beer into a cup and placed the cup at the far end of the table opposite Timothy Piazza.

212. Defendant Visser caused Timothy Piazza to drink from the cup of beer Visser poured after Piazza threw a ping pong ball.

213. During the Gauntlet, Timothy Piazza was made to consume copious amounts of alcohol.

214. Once Timothy Piazza and the other pledges completed the Gauntlet, they were lined up along the basement wall, and Alpha Upsilon members gave them another beer to drink.

215. Defendant Kurczewski handed Timothy Piazza a can of beer to drink at this time, and caused Timothy Piazza to drink the beer.

216. As a result of the large amounts of alcohol the Alpha Upsilon members pressured Timothy Piazza to consume in a short time period, Timothy Piazza became visibly intoxicated.

217. As a result of the large amounts of alcohol the Alpha Upsilon members pressured Timothy Piazza to consume in a short time period, Timothy Piazza became stuporous.

218. In a stuporous state, Timothy Piazza was unable to appreciate potential hazards, including stairs.

219. In a stuporous state, Timothy Piazza was unable to protect himself from potential hazards, including stairs.

220. After Timothy Piazza and the other pledges completed the Gauntlet, the Fraternity Defendants continued to force, encourage, and cause them to drink alcohol as part of Bid Acceptance Night.

221. After the conclusion of the Gauntlet, members of Alpha Upsilon walked around the basement carrying wine bags and cans of beer, and forced, encouraged, and caused pledges, including Timothy Piazza, to drink.

222. After the conclusion of the Gauntlet, members of Alpha Upsilon made full cans of beer, bottles of vodka, and additional wine available for anyone to drink.

223. In the basement, Defendant Bonatucci gave alcohol to two pledges.

224. In the basement, Defendant Burke gave alcohol to four pledges, including Timothy Piazza.

225. In the basement, Defendant DiBileo gave alcohol to five pledges, including Timothy Piazza.

226. In the basement, Defendant Ems gave alcohol to a pledge.

227. In the basement, Defendant Kanzler gave alcohol to two pledges, including Timothy Piazza.

228. In the basement, Defendant Kurczewski gave alcohol to 10 pledges, including Timothy Piazza.

229. In the basement, Defendant Prior gave alcohol to three pledges.

230. Defendant Reinmund was present with Defendant Prior when Defendant Prior gave alcohol to one of the three pledges.

231. In the basement, Defendant Sala gave alcohol to a pledge.

232. In the basement, Defendant Song gave alcohol to three pledges, including Timothy Piazza.

233. In the basement, Defendant Visser gave alcohol to eight pledges, including Timothy Piazza.

234. In the basement, Defendant Yochim gave alcohol to a pledge.

235. In the basement, Defendant O'Brien caused Timothy Piazza to drink from a can of beer.

236. In the basement, Defendant Visser caused Timothy Piazza to drink from a wine bag Visser held up on two separate occasions.

237. In the basement, Defendant DiBileo caused Timothy Piazza to drink from a wine bag DiBileo held up.

238. In the basement, Defendant O'Brien caused Timothy Piazza to drink from a wine bag O'Brien held up.

239. In the basement, Defendant Burke caused Timothy Piazza to drink from a handle of vodka.

240. In the basement, Defendant Kanzler caused Timothy Piazza to drink from a wine bag Kanzler held up.

241. In the basement, Defendant Kubera caused Timothy Piazza to drink from cans of beer on two separate occasions.



242. In the basement, Defendant Song caused Timothy Piazza to drink from a bottle of vodka.

243. As a result of the Fraternity Defendants' hazing during and after the Gauntlet, Timothy Piazza consumed approximately 18 alcoholic drinks in about 1 hour and 22 minutes.

244. As a result of the Fraternity Defendants' hazing during and after the Gauntlet, Timothy Piazza staggered throughout the basement, visibly intoxicated.

245. At approximately 11:10 p.m., prior to Timothy Piazza's fall, St. Moritz employees entered the subject premises.

246. The St. Moritz employees went into the lobby and basement of the Alpha Upsilon fraternity house.

247. The St. Moritz employees ignored, overlooked, or otherwise failed to address the hazing and underage drinking that occurred after the Gauntlet.

248. The St. Moritz employees ignored, overlooked, or otherwise failed to address the presence of freshmen and Potential New Members during the post-Gauntlet event at the subject premises.

249. The St. Moritz employees did not investigate whether Potential New Members were present at the subject premises.

250. The St. Moritz employees spent approximately two or three minutes in the Alpha Upsilon fraternity house before leaving.

251. The St. Moritz employees did not contact the IFC regarding any IFC policy violations.

252. The St. Moritz employees documented their observations at Alpha Upsilon but later destroyed the documentation, as testified to during a July 10, 2017 preliminary hearing in a separate legal proceeding.

253. After the Gauntlet, Defendant Kenyon assisted a visibly intoxicated Timothy Piazza to a couch on the first floor.

254. After the Gauntlet, Defendant Kubera assisted a visibly intoxicated Timothy Piazza to a couch on the first floor.

255. After the Gauntlet, a visibly intoxicated Timothy Piazza walked into view of Defendant Young, and stumbled into Defendant Casey.

256. At approximately 11:20 p.m. on February 2, 2017, as a result of the excessive alcohol the Fraternity Defendants caused him to consume, Timothy Piazza's blood alcohol concentration (or "blood alcohol content" or "BAC") was between 0.28 and 0.36 grams percent – nearly five times Pennsylvania's legal limit for drivers.

**3. Timothy Piazza falls down the basement steps; the Fraternity Defendants fail to seek medical attention**

257. At approximately 11:20 p.m. on February 2, 2017, Timothy Piazza fell down the stairs of the subject premises into the basement, suffering serious injuries.

258. As a result of his fall, Timothy Piazza was rendered unconscious, and he developed a visible bruise on the left side of his abdomen.

259. On information and belief, the Fraternity Defendants observed the bruise on Timothy Piazza's abdomen.

260. Despite Timothy Piazza's obvious, serious injuries, none of the Fraternity Defendants contacted first responders, sought assistance, or otherwise rendered aid.

261. After Timothy Piazza's fall, Defendant Neuman observed Timothy Piazza lying, "torso face down," unconscious at the foot of the basement steps.

262. At approximately 11:24 p.m., Defendants Burke, Visser, and Neuman carried an unconscious Timothy Piazza out of the basement and onto a couch on the first floor.

263. At this time, an Alpha Upsilon member removed Timothy Piazza's shirt, exposing his chest and abdomen.

264. Defendant Young entered the room where Timothy Piazza was placed on the couch and observed Piazza on the couch.

265. At approximately 11:27 p.m., Defendant Burke lifted Timothy Piazza's left arm and, upon letting it go, Timothy Piazza's arm immediately fell back down.

266. At approximately 11:30 p.m., Defendant Prior poured a liquid on Timothy Piazza's face.

267. Timothy Piazza did not respond to Defendant Prior pouring liquid on his face.

268. Defendant DiBileo sat on the couch with Timothy Piazza.

269. While on the couch, Timothy Piazza began vomiting.

270. At approximately 11:30 p.m., Defendant Neuman retrieved a mop bucket and brought it to Timothy Piazza.

271. At approximately 11:32 p.m., Defendant Neuman retrieved and attached a backpack to Timothy Piazza's back and other brothers, including Defendants Coyne and Ems, "backpacked" Timothy Piazza—specifically, they filled the backpack on Timothy Piazza's back with books in order to prevent Timothy Piazza from rolling on his back.

272. The purpose of the backpack was to prevent Timothy Piazza from aspirating his own vomit.

273. On information and belief, the Fraternity Defendants engaged in a pattern and practice of "backpacking" Alpha Upsilon members and guests who were rendered unconscious after drinking alcohol.

274. Defendants DiBileo and Schiavone observed Defendants Neuman, Coyne, and Ems strap a backpack on Timothy Piazza.

275. Defendant DiBileo was aware that Timothy Piazza may require medical attention.

276. At approximately 11:49 p.m., Defendant Neuman crawled over Timothy Piazza to sit on his legs to prevent Piazza from moving.

277. At approximately 11:51 p.m., an Alpha Upsilon member observed Timothy Piazza on the couch with a visible bruise thrashing and making odd movements and sounds.

278. The Alpha Upsilon member urged the Fraternity Defendants, including Defendants Neuman, Gilmartin, Prior, and Ems, to call 911.

279. In response, Defendant Neuman pushed the Alpha Upsilon member across the room and shoved him against a wall.

280. The Fraternity Defendants, including Defendants Neuman and Gilmartin, discouraged other Alpha Upsilon members from contacting 911, taking Timothy Piazza to the hospital, or otherwise seeking assistance for Timothy Piazza.

281. At approximately 11:53 p.m., an Alpha Upsilon member texted his fellow members, including the Fraternity Defendants herein, as follows:

**Also Tim piazza [sic] might actually be a problem. He felll [sic] 15 feet down a flight of stairs hair first. Going to need help.**

282. At approximately 12:02 a.m., Defendant Casey slapped Timothy Piazza in the face three times.

283. Timothy Piazza did not respond to Defendant Casey striking his face.

284. At approximately 12:14 p.m., Defendant Reinmund tackled Defendant Kanzler into Timothy Piazza's prone and unconscious body.

285. Timothy Piazza did not respond to Defendants Reinmund and Kanzler falling on him.

286. At approximately 1:37 a.m. on February 3, 2017 video from cameras located in the fraternity house show Timothy Piazza vomit and twitch on the couch in front of Alpha Upsilon members, including Defendants Coyne and Ems.

287. At approximately 2:25 a.m. on February 3, 2017, Timothy Piazza rolled off the couch and onto the floor.

288. At that time, Defendants Ems, Reinmund, and another brother picked Timothy Piazza off of the floor and dropped him on the couch.

289. At approximately 2:25 a.m., Defendant Ems threw Timothy Piazza's shoes at Piazza.

290. At approximately 2:27 a.m., Defendant Ems struck Timothy Piazza once in the abdomen with his open right hand.

291. Timothy Piazza did not respond to Defendant Ems striking him.

292. At approximately 3:59 a.m. on February 3, 2017, Timothy Piazza again fell off of the couch and onto the floor, his backpack falling off.

293. As Timothy Piazza attempted to stand up, he fell backwards and struck his head on the floor, in the presence of Defendant Coyne.

294. Defendant Coyne attempted to shake Timothy Piazza, and then left the room.

295. Timothy Piazza was left alone and unattended, and did not encounter another Alpha Upsilon member until approximately 5:52 a.m.

296. At approximately 4:26 a.m., Timothy Piazza can be seen on camera on his knees, bent over with his elbows on the floor, his head in his hands, as well as grabbing his abdomen.

297. At approximately 4:31 a.m., Timothy Piazza can be seen on camera falling face down onto the hardwood floor.

298. At approximately 5:36 a.m., Timothy Piazza can be seen on camera falling head first into an iron railing leading to the second floor of the fraternity house.

299. At about this time, Timothy Piazza attempts to go to the front door but before he reaches it, he falls head first into the door.

300. At approximately 5:52 a.m. on February 3, 2017, Defendant Martines approached and observed Timothy Piazza lying on the floor.

301. Despite Timothy Piazza's obvious, serious injuries, Defendant Martines left Timothy Piazza on the floor.

302. Despite Timothy Piazza's serious condition, none of the Alpha Upsilon members did anything to aid him for more than 11 hours after his initial fall.

303. On Friday, February 3, 2017 at approximately 10:48 a.m. (nearly 11 and a half hours after Timothy Piazza's fall), an Alpha Upsilon member contacted 911.

304. Timothy Piazza was thereafter transported to Mount Nittany Medical Center via ambulance.

305. Timothy Piazza was subsequently transported via helicopter to Hershey Medical Center.

306. On Saturday, February 4, 2017, Timothy Piazza died; he was 19 years old.

**4. The Fraternity Defendants attempt to cover up their conduct**

307. On or about February 3, 2017, Defendants Young and Casey corresponded as follows:

**Young: Make sure the pledges clean the basement and get rid of any evidence of alcohol**

**Casey: Ok**

**Casey: They're taking care of the basement**

308. On or about February 3, 2017, Defendant Casey texted Defendant Kenyon, "End that GroupMe so there's no evidence on Tim's phone."

309. GroupMe is a free group messaging application. GroupMe, "What is GroupMe?" *available at* <https://help.groupme.com/hc/en-us/articles/217104127-What-is-GroupMe-> (last accessed Jan. 5, 2019).

310. On or about February 3, 2017, Defendants Mengden and Becker corresponded as follows:

**Mengden: Erasing the cameras could be the look as long as no one found out**

**Becker: I think the exact same thing, .. The guy told me to check them in like a few days to make sure they were recording. I could say I checked and they weren't and just turned them on. I want to talk to Brendan.**



311. On information and belief, Defendant Becker erased the video from the basement cameras for the night of February 2, 2017.

312. On information and belief, Defendant Young directed Defendant Ems to delete a GroupMe account and Defendant Ems did so.

313. On information and belief, Defendant Young deleted a GroupMe account.

314. On or about February 4, 2017, Defendant Becker corresponded with Alpha Upsilon member Jeffrey Stillwell as follows:

**Stillwell: Yo Braxt. You need to get pajamas to delete the Facebook group asap.**

**Becker: Yo jeff. Ya I literally called him a little while ago and told him to delete it  
...**

**Becker: It's awful jeff. We got sloppy. Nugget for the last few days was saying we shouldn't get the kids this f\*cked up on their first night but no one listened**

315. On or about February 4, 2017, Defendant Gilmartin wrote to Defendant Ems, "Get rid of our pc groupme as well".

316. On or about February 4, 2017, Defendants Gilmartin and Kenyon corresponded as follows:

**Gilmartin: Get rid of the social exec gm**

**Kenyon: Just so you know I think they still get archived**

**Gilmartin: Right but it's just so people don't get screenshots are anything that could leak to**

**the media....**

**Kenyon: They actually don't get archived when the leader deletes them I just checked**

**Gilmartin: Ok good.**

317. On or about February 4, 2017, Defendant Casey performed the following search on his cell phone: "how to delete a group on faceBook [sic] - Google Search."

318. On or about February 9, 2017, Defendants Becker and Gilmartin corresponded as follows:

**Becker: You made the current group me right? Guys are retarded posting some of that sh\*t in there. Would it be worth deleting it and starting fresh again lol**

**Gilmartin: Yeah I did. I'll delete it**

**Becker: sounds good. might be overkill but might be smart**

**5. Casey and Young acknowledge their wrongful conduct and responsibility for Timothy Piazza's fall and injuries**

319. On or about February 3, 2017, Defendant Young corresponded with "MM" as follows:

**Young: He fell down a flight of stairs  
...**

**MM: Was it because he was drunk?**

**Young: Yes**

**MM: But you think the main thing that is wrong is because he hurt himself when he fell down?**

**MM:** Like that's what did most of the damage?

**Young:** He fell down a flight of stairs because he was too drunk.

**Young:** I don't think you fully comprehend the situation

**Young:** He looked f\*cking dead

**Young:** At the end of the day, I'm accountable for it all.

**Young:** I'll be the one going to court, paying for an attorney and maybe put in jail

320. On or about February 5, 2017, Defendant Young and Stillwell corresponded as follows:

**Stillwell:** You think they are going to sue?

**Young:** It depends if they want to go through with it or just distance themselves from us altogether

**Stillwell:** What do you think they would sue for? That he passed away or the way we handled it?

**Young:** Probably both. They could get us for giving him alcohol that contributed to his death. Also, the guys taking care of him didn't call an ambulance right away so they could get in trouble for negligence. I just don't know what I'm liable for as president

321. On or about February 3, 2017, Defendant Casey corresponded with "TZ" as follows:

**Casey:** I think we are f\*cked

**Casey:** Like beyond f\*cked

**Casey:** I think after this we could be kicked off

...

**Casey: It's over**

**Casey: I don't want to go to jail for this**

**TZ: How can you go to jail?**

**Casey: Hazing is a huge thing**

**Casey: Drink hazing can send me to jail for organizing the obstacle course**

**TZ: Does anyone know about the obstacle course**

**TZ: Outside of the house**

**TZ: Make sure no one says anything**

**Casey: It's all staying in the house like only brothers know**

#### **6. Alpha Upsilon Loses Recognition**

322. On or about February 17, 2017, Penn State withdrew recognition of Alpha Upsilon for a minimum of five years.

323. On or about March 30, 2017, Penn State permanently banned Beta Theta Pi and Alpha Upsilon from Penn State's campus after the initial findings of its student conduct investigation revealed "a persistent pattern of serious alcohol abuse, hazing, and the use and sale of illicit drugs." *See* Penn State, "Beta Theta Pi permanently banned; new restrictions put on Greek-letter groups" *available at* <http://news.psu.edu/story/459270/2017/03/30/beta-theta-pi-permanently-banned-new-restrictions-put-greek-letter-groups> (last accessed May 1, 2017).

**F. DEFENDANTS' WRONGFUL CONDUCT**

**1. Fraternity Defendants**

324. At all relevant times, Pennsylvania law prohibited hazing.

325. At all relevant times, Pennsylvania law prohibited serving alcohol to persons under the age of 21 years.

326. At all relevant times, Penn State and IFC policies prohibited hazing.

327. At all relevant times, Penn State and IFC policies prohibited serving alcohol to persons under the age of 21 years.

328. At all relevant times, Penn State and IFC policies prohibited Potential New Members from attending social functions.

329. At all relevant times, Penn State and IFC policies prohibited Potential New Members from attending events where alcohol was being served.

330. At all relevant times, Beta Theta Pi policies prohibited hazing.

331. At all relevant times, Beta Theta Pi policies prohibited serving alcohol to persons under the age of 21 years.

332. At all relevant times, Brendan Young, Daniel Casey, Braxton Becker, Michael Bonatucci, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Craig Heimer, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Joshua Kurczewski, Jonathan Martines, Adam Mengden, Joshua Monckton, Jonah Neuman, Aidan O'Brien, Donald Prior, Matthew Reinmund, Lucas Rockwell, Joseph Sala, Michael Angelo Schiavone, Bohan Song, Luke Visser, and Parker

Yochim were responsible to prevent the pledges, including Timothy Piazza, from being hazed.

333. Brendan Young, Daniel Casey, Braxton Becker, Michael Bonatucci, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Craig Heimer, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Joshua Kurczewski, Jonathan Martines, Adam Mengden, Joshua Monckton, Jonah Neuman, Aidan O'Brien, Donald Prior, Matthew Reinmund, Lucas Rockwell, Joseph Sala, Michael Angelo Schiavone, Bohan Song, Luke Visser, and Parker Yochim knew or should have known that they were prohibited from serving alcohol to their pledges or Potential New Members, including Timothy Piazza.

334. Brendan Young, Daniel Casey, Braxton Becker, Michael Bonatucci, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Craig Heimer, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Joshua Kurczewski, Jonathan Martines, Adam Mengden, Joshua Monckton, Jonah Neuman, Aidan O'Brien, Donald Prior, Matthew Reinmund, Lucas Rockwell, Joseph Sala, Michael Angelo Schiavone, Bohan Song, Luke Visser, and Parker Yochim knew or should have known that they were prohibited from serving alcohol to underage persons, including Timothy Piazza.

335. Brendan Young, Daniel Casey, Braxton Becker, Michael Bonatucci, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Craig Heimer, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Joshua

Kurczewski, Jonathan Martines, Adam Mengden, Joshua Monckton, Jonah Neuman, Aidan O'Brien, Donald Prior, Matthew Reinmund, Lucas Rockwell, Joseph Sala, Michael Angelo Schiavone, Bohan Song, Luke Visser, and Parker Yochim knew or should have known that they were prohibited from hazing pledges, including Timothy Piazza.

336. Brendan Young, Daniel Casey, Braxton Becker, Michael Bonatucci, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Craig Heimer, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Joshua Kurczewski, Jonathan Martines, Adam Mengden, Joshua Monckton, Jonah Neuman, Aidan O'Brien, Donald Prior, Matthew Reinmund, Lucas Rockwell, Joseph Sala, Michael Angelo Schiavone, Bohan Song, Luke Visser, and Parker Yochim knew or should have known that they were prohibited from having Potential New Members, including Timothy Piazza, attend Alpha Upsilon social functions between January 29 and February 4, 2017.

337. Brendan Young, Daniel Casey, Braxton Becker, Michael Bonatucci, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Craig Heimer, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Joshua Kurczewski, Jonathan Martines, Adam Mengden, Joshua Monckton, Jonah Neuman, Aidan O'Brien, Donald Prior, Matthew Reinmund, Lucas Rockwell, Joseph Sala, Michael Angelo Schiavone, Bohan Song, Luke Visser, and Parker Yochim knew or should have known that they were prohibited from having Potential New Members,

including Timothy Piazza, attend any Alpha Upsilon events where alcohol was being served.

338. Brendan Young, Daniel Casey, Braxton Becker, Michael Bonatucci, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Craig Heimer, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Joshua Kurczewski, Jonathan Martines, Adam Mengden, Joshua Monckton, Jonah Neuman, Aidan O'Brien, Donald Prior, Matthew Reinmund, Lucas Rockwell, Joseph Sala, Michael Angelo Schiavone, Bohan Song, Luke Visser, and Parker Yochim completed Penn State's Student Alcohol Feedback and Education ("SAFE") program, which informed them of the effects of alcohol.

339. Brendan Young, Daniel Casey, Braxton Becker, Michael Bonatucci, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Craig Heimer, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Joshua Kurczewski, Jonathan Martines, Adam Mengden, Joshua Monckton, Jonah Neuman, Aidan O'Brien, Donald Prior, Matthew Reinmund, Lucas Rockwell, Joseph Sala, Michael Angelo Schiavone, Bohan Song, Luke Visser, and Parker Yochim nevertheless caused Timothy Piazza to consume alcohol.

340. After Timothy Piazza became visibly intoxicated, Brendan Young, Daniel Casey, Braxton Becker, Michael Bonatucci, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Craig Heimer, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Joshua Kurczewski, Jonathan Martines,



Adam Mengden, Joshua Monckton, Jonah Neuman, Aidan O'Brien, Donald Prior, Matthew Reinmund, Lucas Rockwell, Joseph Sala, Michael Angelo Schiavone, Bohan Song, Luke Visser, and Parker Yochim rendered no further aid, or took insufficient actions to address Timothy Piazza's intoxication.

341. After Timothy Piazza's fall, Brendan Young, Daniel Casey, Braxton Becker, Michael Bonatucci, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Craig Heimer, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Joshua Kurczewski, Jonathan Martines, Adam Mengden, Joshua Monckton, Jonah Neuman, Aidan O'Brien, Donald Prior, Matthew Reinmund, Lucas Rockwell, Joseph Sala, Michael Angelo Schiavone, Bohan Song, Luke Visser, and Parker Yochim rendered no further aid, or took insufficient actions to address Timothy Piazza's injuries.

342. Brendan Young, Daniel Casey, Braxton Becker, Michael Bonatucci, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Craig Heimer, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Joshua Kurczewski, Jonathan Martines, Adam Mengden, Joshua Monckton, Jonah Neuman, Aidan O'Brien, Donald Prior, Matthew Reinmund, Lucas Rockwell, Joseph Sala, Michael Angelo Schiavone, Bohan Song, Luke Visser, and Parker Yochim knew or should have known that further actions were required to protect the well-being of Timothy Piazza.

**2. St. Moritz**

343. At all relevant times, St. Moritz had a contractual obligation to enforce the IFC's policies.

344. At all relevant times, St. Moritz undertook a duty to prevent the IFC's member fraternities from engaging in any activity that can be described as hazing.

345. At all relevant times, St. Moritz undertook a duty to prevent the IFC's member fraternities from serving alcohol to persons under the age of 21.

346. At all relevant times, St. Moritz undertook a duty to prevent pledges or Potential New Members from attending fraternity social functions between January 29 and February 4, 2017.

347. At all relevant times, St. Moritz undertook a duty to prevent pledges or Potential New Members from attending any events where alcohol was being served.

348. At all relevant times, St. Moritz knew or should have known that members of Alpha Upsilon would engage, and did engage, in hazing.

349. At all relevant times, St. Moritz knew or should have known that members of Alpha Upsilon served alcohol to persons under the age of 21.

350. On February 2, 2017, St. Moritz conducted a sham social inspection at the Alpha Upsilon fraternity house, spending approximately two to three minutes on the subject premises before leaving.

351. St. Moritz's sham inspection enabled the Fraternity Defendants to continue hazing Timothy Piazza and others.

352. St. Moritz's sham inspection enabled the Fraternity Defendants to continue serving alcohol to persons under the age of 21, including Timothy Piazza.

**G. TIMOTHY PIAZZA'S DAMAGES**

353. Despite the foregoing, the Defendants collectively failed to protect Timothy Piazza from hazing, causing him to suffer grievous injuries and death as set forth below.

354. The negligence, carelessness, and recklessness of Defendants directly and proximately caused Timothy Piazza to suffer the following:

- a. head contusions;
- b. head abrasions;
- c. base of skull fracture;
- d. bilateral facial edema;
- e. curvilinear fracture of the left middle cranial fossa;
- f. encephalomalacia;
- g. severe traumatic brain injury with subdural hematoma;
- h. hemorrhage within the parenchyma of the brain;
- i. hemorrhage within the mid-brain;
- j. hemorrhage within the pons;
- k. herniation of the brain through the right craniotomy site;
- l. cerebral edema;
- m. cerebellar tonsillar grooves consistent with herniation;
- n. softening of cerebral convexities;
- o. pneumothorax;

- p. diffuse pulmonary edema;
- q. chest contusions;
- r. contusions and abrasions of the arms;
- s. contusions and abrasions of the legs;
- t. grade 4 splenic laceration;
- u. intra-abdominal hemorrhage;
- v. hemorrhagic shock;
- w. acute respiratory failure;
- x. acute kidney injury;
- y. cardiac arrest;
- z. intubation;
- aa. left-sided chest tube;
- bb. craniotomy;
- cc. exploratory laparotomy;
- dd. splenectomy;
- ee. complex mechanical ventilatory support;
- ff. pain and suffering;
- gg. mental anguish and distress;
- hh. decorticate posturing;
- ii. death;
- jj. all past and future noneconomic damages recoverable under Pennsylvania Rule of Civil Procedure No. 223.3; and
- kk. economic damages.

**VII. COUNT I – NEGLIGENCE OF BID ACCEPTANCE NIGHT  
PLANNERS**

**Plaintiffs v. Defendants Brendan Young, Daniel Casey, Braxton Becker, Michael Bonatucci, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Craig Heimer, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Joshua Kurczewski, Jonathan Martines, Adam Mengden, Joshua Monckton, Jonah Neuman, Aidan O'Brien, Donald Prior, Matthew Reinmund, Lucas Rockwell, Joseph Sala, Michael Angelo Schiavone, Bohan Song, Luke Visser, and Parker Yochim**

355. Plaintiffs incorporate by reference and re-allege all paragraphs of this Complaint set forth above as if fully set forth herein.

356. At all relevant times, Defendants Brendan Young, Daniel Casey, Braxton Becker, Michael Bonatucci, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Craig Heimer, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Joshua Kurczewski, Jonathan Martines, Adam Mengden, Joshua Monckton, Jonah Neuman, Aidan O'Brien, Donald Prior, Matthew Reinmund, Lucas Rockwell, Joseph Sala, Michael Angelo Schiavone, Bohan Song, Luke Visser, and Parker Yochim had a duty to prevent pledges, including Timothy Piazza, from being hazed.

357. At all relevant times, Defendants Brendan Young, Daniel Casey, Braxton Becker, Michael Bonatucci, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Craig Heimer, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Joshua Kurczewski, Jonathan Martines, Adam Mengden, Joshua Monckton, Jonah Neuman, Aidan O'Brien, Donald Prior, Matthew Reinmund, Lucas Rockwell, Joseph Sala, Michael Angelo Schiavone, Bohan Song,

Luke Visser, and Parker Yochim had a duty to prevent pledges, including Timothy Piazza, from participating in activities that encouraged excessive consumption of alcohol.

358. At all relevant times, Defendants Brendan Young, Daniel Casey, Braxton Becker, Michael Bonatucci, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Craig Heimer, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Joshua Kurczewski, Jonathan Martines, Adam Mengden, Joshua Monckton, Jonah Neuman, Aidan O'Brien, Donald Prior, Matthew Reinmund, Lucas Rockwell, Joseph Sala, Michael Angelo Schiavone, Bohan Song, Luke Visser, and Parker Yochim planned, supervised, organized, orchestrated, facilitated, and otherwise participated in a hazing event on February 2, 2017.

359. At all relevant times, Defendants Brendan Young, Daniel Casey, Braxton Becker, Michael Bonatucci, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Craig Heimer, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Joshua Kurczewski, Jonathan Martines, Adam Mengden, Joshua Monckton, Jonah Neuman, Aidan O'Brien, Donald Prior, Matthew Reinmund, Lucas Rockwell, Joseph Sala, Michael Angelo Schiavone, Bohan Song, Luke Visser, and Parker Yochim acted to get pledges, including Timothy Piazza, intoxicated in a short period of time despite having actual or constructive knowledge that they were under the age of 21 years.

360. Defendants Brendan Young, Daniel Casey, Braxton Becker, Michael Bonatucci, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Craig Heimer, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Joshua Kurczewski, Jonathan Martines, Adam Mengden, Joshua Monckton, Jonah Neuman, Aidan O'Brien, Donald Prior, Matthew Reinmund, Lucas Rockwell, Joseph Sala, Michael Angelo Schiavone, Bohan Song, Luke Visser, and Parker Yochim negligently, carelessly, and recklessly breached their duty to Timothy Piazza by:

- a. Planning, orchestrating, supervising, or participating in Bid Acceptance Night;
- b. Planning, orchestrating, supervising, or participating in the Gauntlet;
- c. Negligently and recklessly devising the Gauntlet, lineups, and further drinking for pledges, including Timothy Piazza;
- d. Planning Bid Acceptance Night in such a way that pledges, including Timothy Piazza, would become intoxicated in a short amount of time;
- e. Designing the Gauntlet in such a way that pledges, including Timothy Piazza, would become intoxicated in a short amount of time;
- f. Planning, orchestrating, supervising, or participating in the acquisition of alcohol;
- g. Planning, orchestrating, supervising, or participating in the purchase of alcohol;
- h. Contributing money toward the purchase of alcohol;
- i. Purchasing alcohol;
- j. Carrying, transporting, or otherwise delivering alcohol to the subject premises;
- k. Securing, housing, or otherwise storing alcohol on the subject premises;

- l. Failing to control access to alcohol to prevent the alcohol from being furnished to pledges, including Timothy Piazza;
- m. Failing to control access to alcohol to prevent the alcohol from being consumed by pledges, including Timothy Piazza;
- n. Cleaning or directing the cleaning of the subject premises to facilitate the operation of the Gauntlet;
- o. Creating a GroupMe text thread listing Gauntlet obstacle course station assignments;
- p. Participating in a GroupMe text thread listing Gauntlet obstacle course station assignments;
- q. Communicating via GroupMe or other electronic means to coordinate the execution of Bid Acceptance Night, the Gauntlet, or post-Gauntlet events;
- r. Coordinating the execution of Bid Acceptance Night, the Gauntlet, or post-Gauntlet events;
- s. Directing individuals to take a Gauntlet station assignment;
- t. Volunteering or otherwise accepting a Gauntlet station assignment;
- u. Causing, forcing, coercing, and/or encouraging the excessive consumption of alcohol;
- v. Instructing, directing, or telling pledges, including Timothy Piazza, to line up to receive alcohol;
- w. Planning, operating, supervising, or otherwise participating in a pre-Gauntlet lineup;
- x. Planning, operating, supervising, or otherwise participating in the operation of the vodka station;
- y. Planning, operating, supervising, or otherwise participating in the operation of the shotgun station;
- z. Planning, operating, supervising, or otherwise participating in the operation of the wine station;
- aa. Planning, operating, supervising, or otherwise participating in the operation of the beer pong station;



- bb.Planning, operating, supervising, or otherwise participating in a post-Gauntlet lineup;
- cc.Handing, giving, or otherwise providing alcohol (including vodka, wine, and beer) to an Alpha Upsilon member to give to persons under the age of 21 years, including Timothy Piazza;
- dd.Causing pledges, including Timothy Piazza, to consume alcohol;
- ee. Giving alcohol to pledges, including Timothy Piazza, in a short amount of time;
- ff. Acting in conscious disregard, and with reckless indifference to the known risk of serious harm and increased risk of harm to pledges, including Timothy Piazza;
- gg.Failing to designate a sober Alpha Upsilon member or third party to care for the pledges, including Timothy Piazza;
- hh.Failing to follow Penn State and IFC policies;
- ii. Failing to follow the Code of Beta Theta Pi;
- jj. Failing to follow the Beta Risk Management Policy;
- kk.Failing to have a sufficient number of trained monitors;
- ll. Relying on untrained monitors;
- mm. Creating an unsafe situation;
- nn.Failing to act in a reasonable manner; and
- oo.Failing to exercise due care under the circumstances.

361. As a direct result of the negligence, recklessness, and carelessness of the defendants as set forth above, Timothy Piazza was caused to suffer the above injuries and death.

**VIII. COUNT II – NEGLIGENCE OF LINEUP, GAUNTLET, AND POST-GAUNTLET ALCOHOL FURNISHERS**

**Plaintiffs v. Defendants Daniel Casey, Ryan Burke, Gary DiBileo, Jonathan Kanzler, Nicholas Kubera, Joshua Kurczewski, Aidan O'Brien, Bohan Song, and Luke Visser**

362. Plaintiffs incorporate by reference and re-allege all paragraphs of this Complaint set forth above as if fully set forth herein.

363. At all relevant times, Defendants Daniel Casey, Ryan Burke, Gary DiBileo, Jonathan Kanzler, Nicholas Kubera, Joshua Kurczewski, Aidan O'Brien, Joseph Sala, Bohan Song, and Luke Visser had a duty to prevent pledges, including Timothy Piazza, from being hazed.

364. At all relevant times, Defendants Daniel Casey, Ryan Burke, Gary DiBileo, Jonathan Kanzler, Nicholas Kubera, Joshua Kurczewski, Aidan O'Brien, Joseph Sala, Bohan Song, and Luke Visser had a duty to prevent pledges, including Timothy Piazza, from participating in activities that encouraged excessive consumption of alcohol.

365. Defendants Daniel Casey, Ryan Burke, Gary DiBileo, Jonathan Kanzler, Nicholas Kubera, Joshua Kurczewski, Aidan O'Brien, Joseph Sala, Bohan Song, and Luke Visser acted to get pledges, including Timothy Piazza, intoxicated in a short period of time despite having actual or constructive knowledge that they were under the age of 21 years.

366. Defendants Daniel Casey, Ryan Burke, Gary DiBileo, Jonathan Kanzler, Nicholas Kubera, Joshua Kurczewski, Aidan O'Brien, Joseph Sala, Bohan

Song, and Luke Visser negligently, carelessly, and recklessly breached their duty to Timothy Piazza by:

- a. Serving Timothy Piazza alcohol during the basement lineup prior to the Gauntlet;
- b. Serving Timothy Piazza alcohol during the Gauntlet;
- c. Serving Timothy Piazza alcohol at the vodka station;
- d. Serving Timothy Piazza alcohol at the shotgun station;
- e. Serving Timothy Piazza alcohol at the wine station;
- f. Serving Timothy Piazza alcohol at the beer pong station;
- g. Serving Timothy Piazza alcohol during the basement lineup after to the beer pong station;
- h. Serving Timothy Piazza alcohol during the post-Gauntlet portion of Bid Acceptance Night;
- i. Serving Timothy Piazza alcohol when Piazza was visibly intoxicated;
- j. Causing, forcing, coercing, and/or encouraging Timothy Piazza to drink alcohol excessively in a short period of time;
- k. Causing, forcing, coercing, and/or encouraging Timothy Piazza to drink alcohol until he became stuporous;
- l. Causing, forcing, coercing, and/or encouraging Timothy Piazza to drink alcohol when Piazza was visibly intoxicated;
- m. Serving Timothy Piazza life-threatening amounts of alcohol;
- n. Acting in conscious disregard, and with reckless indifference to the known risk of serious harm and increased risk of harm to pledges, including Timothy Piazza;
- o. Failing to designate a sober Alpha Upsilon member or third party to care for the pledges, including Timothy Piazza;
- p. Failing to appreciate Timothy Piazza's level of intoxication;
- q. Failing to recognize that Timothy Piazza had become stuporous;

- r. Failing to recognize the amount of alcohol Timothy Piazza had imbibed during the Gauntlet;
- s. Failing to recognize the amount of alcohol Timothy Piazza had imbibed after the Gauntlet;
- t. Failing to recognize that Timothy Piazza was unable to appreciate potential hazards, including stairs;
- u. Failing to recognize that Timothy Piazza was unable to protect himself from potential hazards, including stairs;
- v. Failing to follow Penn State and IFC policies;
- w. Failing to follow the Code of Beta Theta Pi;
- x. Failing to follow the Beta Risk Management Policy;
- y. Creating an unsafe situation;
- z. Failing to act in a reasonable manner under the circumstances; and
- aa. Failing to use due care under the circumstances.

367. As a direct result of the negligence, carelessness, and recklessness of the defendants as set forth above, Timothy Piazza was caused to suffer the above injuries and death.

**IX. COUNT III – NEGLIGENCE AFTER TIMOTHY PIAZZA’S FALL**

**Plaintiffs v. Defendants Brendan Young, Daniel Casey, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Edward Gilmartin, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Jonah Neuman, Jonathan Martines, Donald Prior, Matthew Reinmund, and Luke Visser**

368. Plaintiffs incorporate by reference and re-allege all paragraphs of this Complaint set forth above as if fully set forth herein.

369. Defendants Brendan Young, Daniel Casey, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Jonathan Kanzler, Lars

Kenyon, Nicholas Kubera, Jonah Neuman, Jonathan Martines, Donald Prior, Matthew Reinmund, and Luke Visser had actual or constructive knowledge of Timothy Piazza's fall.

370. Defendants Brendan Young, Daniel Casey, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Jonah Neuman, Jonathan Martines, Donald Prior, Matthew Reinmund, and Luke Visser had actual or constructive knowledge of the serious nature of Timothy Piazza's physical condition after his fall.

371. Defendants Brendan Young, Daniel Casey, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Jonah Neuman, Jonathan Martines, Donald Prior, Matthew Reinmund, and Luke Visser undertook to render services to Timothy Piazza, after finding Timothy Piazza unconscious, which they should have recognized as necessary for the protection of Timothy Piazza.

372. Defendants Brendan Young, Daniel Casey, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Jonah Neuman, Jonathan Martines, Donald Prior, Matthew Reinmund, and Luke Visser voluntarily assumed a duty to care for and provide aid to Timothy Piazza after his fall.

373. Defendants Brendan Young, Daniel Casey, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Jonathan Kanzler, Lars

Kenyon, Nicholas Kubera, Jonah Neuman, Jonathan Martines, Donald Prior, Matthew Reinmund, and Luke Visser negligently, carelessly, and recklessly breached their duty to Timothy Piazza by:

- a. Failing to recognize the amount of alcohol Timothy Piazza had imbibed during the Gauntlet;
- b. Failing to recognize the amount of alcohol Timothy Piazza had imbibed after the Gauntlet;
- c. Failing to recognize Timothy Piazza's need for medical care as a result of his fall;
- d. Failing to recognize the significance of Timothy Piazza being rendered unconscious as a result of his fall;
- e. Failing to recognize the significance of Timothy Piazza vomiting while unconscious after his fall;
- f. Failing to recognize the significance of Timothy Piazza developing a visible bruise on his abdomen as a result of his fall;
- g. Ignoring the concern expressed by other Alpha Upsilon members about Timothy Piazza's serious medical condition;
- h. Ignoring the requests of other Alpha Upsilon members that Timothy Piazza be taken to a hospital;
- i. Discouraging, interfering, or otherwise preventing other Alpha Upsilon members from seeking professional medical care for Timothy Piazza;
- j. Acting in conscious disregard, and with reckless indifference to the known risk of serious harm and increased risk of harm to Timothy Piazza;
- k. Pouring liquid on Timothy Piazza instead of contacting a healthcare provider, law enforcement, Penn State, Beta Theta Pi, or Piazza's family;
- l. Slapping Timothy Piazza instead of contacting a healthcare provider, law enforcement, Penn State, Beta Theta Pi, or Piazza's family;

- m. Retrieving a bucket for Timothy Piazza's vomit instead of contacting a healthcare provider, law enforcement, Penn State, Beta Theta Pi, or Piazza's family;
- n. Putting Timothy Piazza on the couch instead of contacting a healthcare provider, law enforcement, Penn State, Beta Theta Pi, or Piazza's family;
- o. Placing a backpack on Timothy Piazza instead of contacting a healthcare provider, law enforcement, Penn State, Beta Theta Pi, or Piazza's family;
- p. Sitting on Timothy Piazza's legs instead of contacting a healthcare provider, law enforcement, Penn State, Beta Theta Pi, or Piazza's family;
- q. Carelessly rendering aid to Timothy Piazza;
- r. Failing to adequately monitor Timothy Piazza's medical condition after voluntarily assuming a duty to care for Timothy Piazza;
- s. Depriving Timothy Piazza of required medical care;
- t. Failing to seek medical care for Timothy Piazza;
- u. Assuming responsibility for Timothy Piazza's care despite the fact that defendants knew or should have known that they lacked the requisite knowledge and skill to do so;
- v. Failing to fulfill the duty voluntarily undertaken to monitor and care for Timothy Piazza after voluntarily assuming said duty;
- w. Failing to call 911;
- x. Failing to call the Penn State Hotline;
- y. Failing to contact Penn State University Health Services;
- z. Failing to take Timothy Piazza to the hospital;
- aa. Failing to take Timothy Piazza to a healthcare provider;
- bb. Failing to contact Timothy Piazza's brother, a fellow Penn State student;
- cc. Failing to contact Timothy Piazza's parents;

- dd.Failing to contact a healthcare provider;
- ee. Failing to contact campus security;
- ff. Failing to contact Penn State University Police;
- gg.Failing to contact State College Police;
- hh.Failing to contact the Alpha Upsilon Chapter Advisor;
- ii. Failing to contact the Alpha Upsilon University Advisor;
- jj. Failing to act in a reasonable manner under the circumstances; and
- kk.Failing to exercise due care under the circumstances.

374. Defendants Brendan Young, Daniel Casey, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Jonah Neuman, Jonathan Martines, Donald Prior, Matthew Reinmund, and Luke Visser took Timothy Piazza's life into their hands, and increased the risk of harm to Piazza by failing to seek assistance from a healthcare provider, law enforcement, Penn State, Beta Theta Pi, or Piazza's family.

375. As a direct result of the negligence, carelessness, and recklessness of the defendants as set forth above, Timothy Piazza was caused to suffer the above injuries and death.

**X. COUNT IV – NEGLIGENCE PER SE FOR HAZING**

**Plaintiffs v. Defendants Brendan Young, Daniel Casey, Michael Bonatucci, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Jonathan Kanzler, Nicholas Kubera, Joshua Kurczewski, Jonah Neuman, Aidan O'Brien, Donald Prior, Joseph Sala, Bohan Song, and Luke Visser**

376. Plaintiffs incorporate by reference and re-allege all paragraphs of this Complaint set forth above as if fully set forth herein.



377. Defendants Brendan Young, Daniel Casey, Michael Bonatucci, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Jonathan Kanzler, Nicholas Kubera, Joshua Kurczewski, Jonah Neuman, Aidan O'Brien, Donald Prior, Joseph Sala, Bohan Song, and Luke Visser violated 24 P.S. §§ 5351 *et seq.* (in effect at the time of this incident), by engaging in the hazing of pledges, including Timothy Piazza, at the subject premises on February 2, 2017.

378. The purpose of 24 P.S. §§ 5351 *et seq.* was to protect individuals like Timothy Piazza from actions or situations which recklessly or intentionally endanger the mental or physical health or safety of a person for the purpose of initiation or admission into, or affiliation with an organization.

379. Defendants Brendan Young, Daniel Casey, Michael Bonatucci, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Jonathan Kanzler, Nicholas Kubera, Joshua Kurczewski, Jonah Neuman, Aidan O'Brien, Donald Prior, Joseph Sala, Bohan Song, and Luke Visser failed to comply with the Pennsylvania antihazing law (in effect at the time of the incident) in the following particular respects:

- a. Recklessly endangering the mental health of pledges, including Timothy Piazza, for the purpose of initiation or admission into or affiliation with Beta Theta Pi and Alpha Upsilon;
- b. Recklessly endangering the physical health of pledges, including Timothy Piazza, for the purpose of initiation or admission into or affiliation with Beta Theta Pi and Alpha Upsilon;

- c. Recklessly endangering the safety of pledges, including Timothy Piazza, for the purpose of initiation or admission into or affiliation with Beta Theta Pi and Alpha Upsilon;
- d. Causing, forcing, coercing, and/or encouraging pledges, including Timothy Piazza, to participate in an obstacle course for the purpose of initiation or admission into or affiliation with Beta Theta Pi and Alpha Upsilon;
- e. Causing, forcing, coercing, and/or encouraging pledges, including Timothy Piazza, to participate in drinking games for the purpose of initiation or admission into or affiliation with Beta Theta Pi and Alpha Upsilon; and
- f. Causing, forcing, coercing, and/or encouraging pledges, including Timothy Piazza, to consume liquor for the purpose of initiation or admission into or affiliation with Beta Theta Pi and Alpha Upsilon.

380. As a direct result of the negligence, carelessness, and recklessness of the defendants as set forth above, Timothy Piazza was caused to suffer the above injuries and death.

**XI. COUNT V – NEGLIGENCE PER SE FOR FURNISHING ALCOHOL**

**Plaintiffs v. Defendants Daniel Casey, Ryan Burke, Gary DiBileo,  
Jonathan Kanzler, Nicholas Kubera, Joshua Kurczewski,  
Aidan O'Brien, Bohan Song, and Luke Visser**

381. Plaintiffs incorporate by reference and re-allege all paragraphs of this Complaint set forth above as if fully set forth herein.

382. Defendants Daniel Casey, Ryan Burke, Gary DiBileo, Jonathan Kanzler, Nicholas Kubera, Joshua Kurczewski, Aidan O'Brien, Joseph Sala, Bohan Song, and Luke Visser violated 18 Pa.C.S.A. § 6310.1 (in effect at the time of this incident), by furnishing alcohol to individuals less than 21 years of age, including Timothy Piazza, on February 2, 2017.

383. The purpose 18 Pa.C.S.A. § 6310.1 was to protect individuals under the age of 21, like Timothy Piazza, from being provided alcohol.

384. Defendants Daniel Casey, Ryan Burke, Gary DiBileo, Jonathan Kanzler, Nicholas Kubera, Joshua Kurczewski, Aidan O'Brien, Joseph Sala, Bohan Song, and Luke Visser failed to comply with Pennsylvania law prohibiting the selling or furnishing of liquor or malt or brewed beverages to minors (in effect at the time of the incident) in the following particular respects:

- a. Intentionally or knowingly furnishing liquor, malt beverages, and brewed beverages to persons less than 21 years of age, including Timothy Piazza;
- b. Intentionally or knowingly purchasing with the intent to furnish liquor, malt beverages, and brewed beverages to persons less than 21 years of age, including Timothy Piazza;
- c. Purchasing with the intent to furnish liquor, malt beverages, and brewed beverages to persons less than 21 years of age, including Timothy Piazza;
- d. Intentionally or knowingly selling liquor, malt beverages, and brewed beverages to persons less than 21 years of age, including Timothy Piazza;
- e. Intentionally or knowingly purchasing with the intent to sell liquor, malt beverages, and brewed beverages to persons less than 21 years of age, including Timothy Piazza; and
- f. Purchasing with the intent to sell liquor, malt beverages, and brewed beverages to persons less than 21 years of age, including Timothy Piazza.

385. As a direct result of the negligence and carelessness of the defendants as set forth above, Timothy Piazza was caused to suffer the above injuries and death.

## **XII. COUNT VI – CIVIL CONSPIRACY OF THE FRATERNITY DEFENDANTS**

**Plaintiffs v. Defendants Brendan Young, Daniel Casey, Braxton Becker, Michael Bonatucci, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Craig Heimer, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Joshua Kurczewski, Jonathan Martines, Adam Mengden, Joshua Monckton, Jonah Neuman, Aidan O'Brien, Donald Prior, Matthew Reinmund, Lucas Rockwell, Joseph Sala, Michael Angelo Schiavone, Bohan Song, Luke Visser, and Parker Yochim**

386. Plaintiffs incorporate by reference and re-allege all paragraphs of this Complaint set forth above as if fully set forth herein.

387. At all relevant times, Defendants Brendan Young, Daniel Casey, Braxton Becker, Michael Bonatucci, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Craig Heimer, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Joshua Kurczewski, Jonathan Martines, Adam Mengden, Joshua Monckton, Jonah Neuman, Aidan O'Brien, Donald Prior, Matthew Reinmund, Lucas Rockwell, Joseph Sala, Michael Angelo Schiavone, Bohan Song, Luke Visser, and Parker Yochim had a duty to prevent pledges, including Timothy Piazza, from being hazed and from participating in activities that encouraged excessive consumption of alcohol.

388. At all relevant times, Defendants Brendan Young, Daniel Casey, Braxton Becker, Michael Bonatucci, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Craig Heimer, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Joshua Kurczewski, Jonathan Martines, Adam Mengden, Joshua Monckton, Jonah Neuman, Aidan O'Brien, Donald Prior, Matthew

Reinmund, Lucas Rockwell, Joseph Sala, Michael Angelo Schiavone, Bohan Song, Luke Visser, and Parker Yochim engaged in a civil conspiracy to furnish alcohol to those under the age of 21.

389. At all relevant times, Defendants Brendan Young, Daniel Casey, Braxton Becker, Michael Bonatucci, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Craig Heimer, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Joshua Kurczewski, Jonathan Martines, Adam Mengden, Joshua Monckton, Jonah Neuman, Aidan O'Brien, Donald Prior, Matthew Reinmund, Lucas Rockwell, Joseph Sala, Michael Angelo Schiavone, Bohan Song, Luke Visser, and Parker Yochim engaged in a civil conspiracy to commit hazing.

390. As set forth above and at all relevant times, Defendants Brendan Young, Daniel Casey, Braxton Becker, Michael Bonatucci, Ryan Burke, Jerry Coyne, Gary DiBileo, Joseph Ems, Casey Funk, Edward Gilmartin, Craig Heimer, Jonathan Kanzler, Lars Kenyon, Nicholas Kubera, Joshua Kurczewski, Jonathan Martines, Adam Mengden, Joshua Monckton, Jonah Neuman, Aidan O'Brien, Donald Prior, Matthew Reinmund, Lucas Rockwell, Joseph Sala, Michael Angelo Schiavone, Bohan Song, Luke Visser, and Parker Yochim with the common purpose to furnish alcohol to minors and commit hazing, committed the following overt acts:

- a. Planning Bid Acceptance Night;
- b. Planning the Gauntlet;
- c. Planning the post-Gauntlet events on Bid Acceptance Night;
- d. Planning the purchase of alcohol;

- e. Directing the purchase of alcohol;
- f. Purchasing or otherwise acquiring alcohol;
- g. Providing money for the purchase of alcohol;
- h. Carrying, transporting, or otherwise delivering alcohol to the subject premises;
- i. Securing, housing, or otherwise storing alcohol on the subject premises;
- j. Cleaning or directing the cleaning of the subject premises to facilitate the operation of the Gauntlet;
- k. Cleaning or directing the cleaning of the subject premises to facilitate the post-Gauntlet portion of Bid Acceptance Night;
- l. Creating a GroupMe text thread listing Gauntlet obstacle course station assignments;
- m. Inviting guests to attend post-Gauntlet events;
- n. Communicating via GroupMe or other electronic means to coordinate the execution of Bid Acceptance Night, the Gauntlet, or the post-Gauntlet portion of Bid Acceptance Night;
- o. Directing individuals to take a Gauntlet station assignment;
- p. Volunteering or otherwise accepting a Gauntlet station assignment;
- q. Instructing pledges, including Timothy Piazza, to line up to receive alcohol;
- r. Orchestrating, supervising, facilitating, or otherwise participating in a pre-Gauntlet lineup;
- s. Orchestrating, supervising, facilitating, or otherwise participating in the Gauntlet;
- t. Orchestrating, supervising, facilitating, or otherwise participating in a post-Gauntlet lineup;
- u. Operating, supervising, or otherwise participating in the operation of the vodka station;

- v. Operating, supervising, or otherwise participating in the operation of the shotgun station;
- w. Operating, supervising, or otherwise participating in the operation of the wine station;
- x. Operating, supervising, or otherwise participating in the operation of the beer pong station;
- y. Handing, giving, or otherwise providing alcohol (including vodka, wine, and beer) to persons under the age of 21 years, including Timothy Piazza;
- z. Handing, giving, or otherwise providing alcohol (including vodka, wine, and beer) to an Alpha Upsilon member to give to persons under the age of 21 years, including Timothy Piazza;
- aa. Causing persons under the age of 21 years, including Timothy Piazza, to drink alcohol;
- bb. Causing pledges, including Timothy Piazza, to drink alcohol in a short amount of time;
- cc. Inviting individuals to attend Bid Acceptance Night; and
- dd. Arranging for entertainment for Bid Acceptance Night.

391. The aforementioned conspiracy was a proximate cause of the injuries suffered by Timothy Piazza.

392. As a direct result of the negligence, carelessness, and recklessness of the defendants as set forth above, Timothy Piazza was caused to suffer the above injuries and death.

### **XIII. COUNT VII – BATTERY (PRIOR)**

#### **Plaintiffs v. Defendant Donald Prior**

393. Plaintiffs incorporate by reference and re-allege all paragraphs of this Complaint set forth above as if fully set forth herein.

394. Defendant Prior's actions and conduct, as described more fully herein, constituted an offensive, physical contact when Prior poured liquid onto Timothy Piazza's face while Piazza was in distress.

395. Defendant Prior intended to cause an offensive contact with the body of Timothy Piazza when Prior poured liquid onto Timothy Piazza's face.

#### **XIV. COUNT VIII – BATTERY (NEUMAN)**

##### **Plaintiffs v. Defendant Jonah Neuman**

396. Plaintiffs incorporate by reference and re-allege all paragraphs of this Complaint set forth above as if fully set forth herein.

397. Defendant Neuman's actions and conduct, as described more fully herein, constituted an offensive, physical contact when Neuman crawled over Timothy Piazza's body and sat on Piazza's legs to prevent Piazza from moving while Piazza was in distress.

398. Defendant Neuman intended to cause an offensive contact with the body of Timothy Piazza when Neuman crawled over Timothy Piazza's body and sat on Piazza's legs to prevent Piazza from moving while Piazza was in distress.

#### **XV. COUNT IX – BATTERY (CASEY)**

##### **Plaintiffs v. Defendant Daniel Casey**

399. Plaintiffs incorporate by reference and re-allege all paragraphs of this Complaint set forth above as if fully set forth herein.



400. Defendant Casey's actions and conduct, as described more fully herein, constituted an offensive, physical contact when Casey slapped Timothy Piazza in the face three times while Piazza was in distress.

401. Defendant Casey intended to cause an offensive contact with the body of Timothy Piazza when Casey slapped Timothy Piazza in the face three times while Piazza was in distress.

**XVI. COUNT X – BATTERY (EMS)**

**Plaintiffs v. Defendant Joseph Ems**

402. Plaintiffs incorporate by reference and re-allege all paragraphs of this Complaint set forth above as if fully set forth herein.

403. Defendant Ems' actions and conduct, as described more fully herein, constituted an offensive, physical contact when Ems struck Timothy Piazza once in the abdomen with his open right hand and threw Piazza's shoes at Piazza while Piazza was in distress.

404. Defendant Ems intended to cause an offensive contact with the body of Timothy Piazza when Ems struck Timothy Piazza once in the abdomen with his open right hand and threw Piazza's shoes at Piazza while Piazza was in distress.

**XVII. COUNT XI – BATTERY (NEUMAN, COYNE, EMS)**

**Plaintiffs v. Defendants Jonah Neuman, Jerry Coyne, and Joseph Ems**

405. Plaintiffs incorporate by reference and re-allege all paragraphs of this Complaint set forth above as if fully set forth herein.

406. Defendants Neuman, Coyne, and Ems actions and conduct, as described more fully herein, constituted an offensive, physical contact when they strapped a backpack on Timothy Piazza while Piazza was in distress.

407. Defendants Neuman, Coyne, and Ems intended to cause an offensive contact with the body of Timothy Piazza when they strapped the backpack on Timothy Piazza while Piazza was in distress.

**XVIII. COUNT XII – BATTERY (EMS, REINMUND)**

**Plaintiffs v. Defendants Joseph Ems and Matthew Reinmund**

408. Plaintiffs incorporate by reference and re-allege all paragraphs of this Complaint set forth above as if fully set forth herein.

409. Defendants Ems and Reinmund's actions and conduct, as described more fully herein, constituted an offensive, physical contact when they picked Timothy Piazza off of the floor and dropped him on the couch while Piazza was in distress.

410. Defendants Ems and Reinmund intended to cause an offensive contact with the body of Timothy Piazza when they picked Timothy Piazza off of the floor and dropped him on the couch while Piazza was in distress.

**XIX. COUNT XIII – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS (BECKER)**

**Plaintiffs v. Defendants Braxton Becker**

411. Plaintiffs incorporate by reference and re-allege all paragraphs of this Complaint set forth above as if fully set forth herein.

412. The Fraternity Defendants collectively, and individually through Defendant Becker, as described more fully herein, engaged in extreme and outrageous conduct when Becker intentionally or recklessly erased the basement camera video.

413. Defendant Becker intended to prevent law enforcement and the Piazzas from having direct evidence to prove facts of the Fraternity Defendants' hazing.

414. Defendant Becker intended to prevent the Piazzas from obtaining justice in their civil action and in other legal proceedings.

415. Defendant Becker's extreme and outrageous conduct caused severe emotional distress to the Plaintiffs.

**XX. COUNT XIV – NEGLIGENCE OF SOCIAL CHECKERS**

**Plaintiffs v. Defendant St. Moritz Security Services, Inc.**

416. Plaintiffs incorporate by reference and re-allege all paragraphs of this Complaint set forth above as if fully set forth herein.

417. At all relevant times, St. Moritz had a duty to enforce the IFC's policies, and to prevent the IFC's member fraternities from hazing and serving alcohol to persons under the age of 21, including Timothy Piazza.

418. The negligence of St. Moritz, through and for the conduct of its actual or apparent agents, servants, and/or employees, consists of one or more of the following:

- a. Since at least 2010, St. Moritz has negligently failed to enforce Penn State and IFC policies, rules, and regulations concerning Penn State fraternity and sorority social functions;
- b. Prior to February 2, 2017, St. Moritz negligently undertook to prevent Penn State students, and student organizations, fraternities, and sororities recognized by Penn State, from serving alcohol to persons under the age of 21;
- c. Prior to February 2, 2017, St. Moritz negligently undertook to prevent Penn State students, and student organizations, fraternities, and sororities recognized by Penn State, from violating Penn State and IFC policies, rules, and regulations concerning Penn State fraternity and sorority social functions;
- d. St. Moritz negligently failed to “operate as the IFC’s eyes and ears, ensuring all risk policies are being followed and things are kept under control.” *See* Maddie DePascale, Daily Collegian, “Penn State IFC utilizes social checkers to ensure safety at social functions,” Mar. 4, 2015, *available at* [https://www.collegian.psu.edu/news/campus/article\\_adbe6266-c2d6-11e4-ae37-0bfaa7b06a11.html](https://www.collegian.psu.edu/news/campus/article_adbe6266-c2d6-11e4-ae37-0bfaa7b06a11.html) (last accessed Oct. 17, 2018) (quoting then-IFC Vice President of Risk Relations Bill Postufka);
- e. St. Moritz negligently failed to enforce its own policies regarding Penn State fraternity misconduct, including: “If a house is not following the rules, Mitchell said the first thing the checkers do is try to correct the problem...” *See* Maddie DePascale, Daily Collegian, “Penn State IFC utilizes social checkers to ensure safety at social functions,” Mar. 4, 2015, *available at* [https://www.collegian.psu.edu/news/campus/article\\_adbe6266-c2d6-11e4-ae37-0bfaa7b06a11.html](https://www.collegian.psu.edu/news/campus/article_adbe6266-c2d6-11e4-ae37-0bfaa7b06a11.html) (last accessed Oct. 17, 2018) (quoting St. Moritz Supervisor Devon Mitchell Sr.);
- f. St. Moritz fostered an unsafe environment for students by failing to address known, obvious, unsafe and underage drinking behavior at Penn State fraternities and sororities;
- g. St. Moritz fostered an unsafe environment for Penn State students by engaging in known, sham “social checks” designed to provide the appearance of promoting safe and legal drinking but in fact provided no actual enforcement of policies against unsafe and underage drinking;
- h. St. Moritz negligently failed to address known, dangerous drinking activities at Penn State fraternities and sororities;

- i. St. Moritz negligently failed to report to Penn State and the IFC violations of Penn State and IFC policies, rules, and regulations, including violations of the Penn State student code of conduct as to unsafe and underage drinking;
- j. St. Moritz negligently failed to report known incidents of underage drinking and dangerous drinking behavior to the authorities;
- k. St. Moritz negligently failed to report known incidents of underage drinking and dangerous drinking behavior to Penn State and the IFC;
- l. St. Moritz employees negligently failed to perform their duties and responsibilities at the subject premises on February 2, 2017, spending two to three minutes on the subject premises, as documented by video cameras present in the house and as testified to by Detective David Scicchitano during a July 2017 preliminary hearing in a separate legal proceeding;
- m. St. Moritz employees negligently failed to perform their duties and responsibilities at the subject premises on February 2, 2017 from the time of their arrival at approximately 11:10 p.m. to the time of Timothy Piazza's initial fall at approximately 11:22 p.m.;
- n. St. Moritz negligently failed to prevent Alpha Upsilon members from serving alcohol to persons under the age of 21 at the subject premises;
- o. St. Moritz negligently failed to properly enforce rules, regulations, and policies against underage drinking at the subject premises;
- p. St. Moritz negligently failed to properly enforce rules, regulations, and policies against hazing at the subject premises;
- q. St. Moritz negligently failed to report violations of IFC and Penn State policies, regulations, and rules by Alpha Upsilon members;
- r. St. Moritz negligently failed to hire qualified individuals to implement or enforce IFC and Penn State rules, regulations, and policies against unsafe and underage drinking;
- s. St. Moritz negligently failed to hire qualified individuals to implement or enforce IFC and Penn State rules, regulations, and policies against hazing;

- t. St. Moritz negligently failed to hire qualified individuals to implement or enforce its own rules, regulations, and policies concerning “social checkers”;
- u. St. Moritz negligently failed to properly train its agents to manage and supervise Alpha Upsilon, and failed to properly train its agents in the enforcement of rules, regulations, and policies against unsafe and underage drinking;
- v. St. Moritz negligently failed to properly train its agents to manage and supervise Alpha Upsilon, and failed to properly train its agents in the enforcement of rules, regulations, and policies against hazing;
- w. St. Moritz negligently and recklessly hired and enabled untrained agents to manage and supervise Alpha Upsilon, and relied upon untrained agents in the enforcement of Penn State and IFC rules, regulations, and policies against unsafe and underage drinking;
- x. St. Moritz negligently and recklessly hired and enabled untrained agents to manage and supervise Alpha Upsilon, and relied upon untrained agents in the enforcement of Penn State and IFC rules, regulations, and policies against hazing;
- y. St. Moritz negligently failed to report hazing occurring at the subject premises;
- z. St. Moritz negligently failed to report underage drinking at the subject premises;
- aa. St. Moritz negligently failed to address the presence of freshmen and Potential New Members during the post-Gauntlet event at the subject premises;
- bb. St. Moritz negligently failed to investigate whether Potential New Members were present at the subject premises;
- cc. St. Moritz negligently failed to investigate whether Potential New Members were wearing wristbands at the subject premises;
- dd. St. Moritz negligently failed to properly implement or enforce laws, rules, regulations, and policies against hazing;
- ee. St. Moritz negligently failed to properly train its agents to recognize the dangers of hazing and take appropriate action to protect students;

ff. St. Moritz negligently failed to properly train its agents to recognize the dangers of underage drinking and take appropriate action to protect students;

gg. St. Moritz negligently failed to act in a reasonable manner; and

hh. St. Moritz negligently failed to exercise due care under the circumstances.

419. As a direct result of the negligence and carelessness of defendant as set forth above, Timothy Piazza was caused to suffer the above injuries and death.

## **XXI. FIRST CAUSE OF ACTION – WRONGFUL DEATH**

### **Plaintiffs v. All Defendants**

420. Plaintiffs incorporate by reference and re-allege all paragraphs of this Complaint set forth above as if fully set forth herein.

421. Timothy James Piazza left the following persons entitled to recover:

- a. James M. Piazza (father)  
New Jersey
- b. Evelyn E. Piazza (mother)  
New Jersey

422. Plaintiffs, James M. Piazza and Evelyn E. Piazza, as Administrators of the Estate of Timothy J. Piazza, Deceased, bring this Wrongful Death Action on behalf of the survivors of Timothy James Piazza, under and by virtue of the Acts of 1855, P.L. 309, as amended, 42 Pa. C.S.A. § 8301, the applicable Rules of Civil Procedure, and decisional law.

423. As a result of the negligent and careless acts and omissions of the Defendants, as set forth above, Plaintiffs' Decedent, Timothy J. Piazza, was caused

grave injuries and death resulting in the entitlement to damages by said beneficiaries under the Wrongful Death Act.

424. Plaintiffs, James M. Piazza and Evelyn E. Piazza, as Administrators of the Estate of Timothy J. Piazza, Deceased, claim damages for all administrator's expenses recoverable under the Wrongful Death Act, including, but not limited to, damages for hospital, medical, funeral, and burial expenses, and expenses of administration necessitated by reason of injuries causing decedent's death.

425. Plaintiffs, James M. Piazza and Evelyn E. Piazza, as Administrators of the Estate of Timothy J. Piazza, Deceased, claim damages for loss of the monetary support that decedent would have provided to his beneficiaries during the decedent's lifetime, including, but not limited to, earnings, maintenance, support, and other similar losses recognized under the Wrongful Death Act that his beneficiaries would have received for the rest of decedent's natural life.

426. Plaintiffs, James M. Piazza and Evelyn E. Piazza, as Administrators of the Estate of Timothy J. Piazza, Deceased, claim under the Wrongful Death Act damages for the services provided or which could have been expected to have been performed in the future by decedent.

427. Plaintiffs, James M. Piazza and Evelyn E. Piazza, as Administrators of the Estate of Timothy J. Piazza, Deceased, claim under the Wrongful Death Act damages under the Wrongful Death Act for all pecuniary losses suffered by beneficiaries.



428. Plaintiffs, James M. Piazza and Evelyn E. Piazza, as Administrators of the Estate of Timothy J. Piazza, Deceased, claim under the Wrongful Death Act damages to compensate beneficiaries for the loss of contribution between the time of death and today, and the amount of support that decedent would have contributed in the future.

429. Plaintiffs, James M. Piazza and Evelyn E. Piazza, as Administrators of the Estate of Timothy J. Piazza, Deceased, claim on behalf of the Wrongful Death Act beneficiaries damages under the Wrongful Death Act for loss of guidance, tutelage, and other similar losses recognized under the Wrongful Death Act that would have been provided by decedent.

430. Plaintiffs, James M. Piazza and Evelyn E. Piazza, as Administrators of the Estate of Timothy J. Piazza, Deceased, claim on behalf of the Wrongful Death Act beneficiaries damages under the Wrongful Death Act for the loss of companionship, comfort, society, guidance, solace and protection of decedent.

431. Plaintiffs, James M. Piazza and Evelyn E. Piazza, as Administrators of the Estate of Timothy J. Piazza, Deceased, under the Wrongful Death Act, claim the full measure of damages allowed under the law and under the categories of administrator's expenses, support and services as defined under the laws of the Commonwealth of Pennsylvania.

## **XXII. SECOND CAUSE OF ACTION – SURVIVAL ACTION**

### **Plaintiffs v. All Defendants**

432. Plaintiffs incorporate by reference and re-allege all paragraphs of this Complaint set forth above as if fully set forth herein.

433. Plaintiffs, James M. Piazza and Evelyn E. Piazza, as Administrators of the Estate of Timothy J. Piazza, Deceased, also bring this Survival Action on behalf of the Estate of Timothy James Piazza, under and by virtue of 42 Pa. C.S.A. § 8302, the applicable Rules of Civil Procedure, and decisional law.

434. As a result of the negligence, wrongful conduct, and misconduct of Defendants, as more fully set forth above, Decedent was caused grievous injuries and death, resulting in entitlement to damages recoverable by his Estate by virtue of and under the Survival Act.

435. As a result of the death of Timothy J. Piazza his Estate has been deprived of the economic value of his life expectancy and Plaintiffs, James M. Piazza and Evelyn E. Piazza, as Administrators of the Estate of Timothy J. Piazza, Deceased, and on behalf of Survival Act beneficiaries, claim under the Survival Act, damages for all pecuniary losses suffered by the Estate as a result of his death, including all loss of income, earnings, retirement income and benefits, and Social Security income, until death, as a result of decedent's death

436. Plaintiffs, on behalf of the Estate of Timothy J. Piazza, Deceased, and on behalf of Survival Act beneficiaries, further claim under the Survival Act the total

amount that decedent would have earned between today and the end of his life expectancy. Plaintiffs especially seek the total amount of future lost earning capacity, including, but not limited to, the total amount of future lost earnings and earning capacity, including, but not limited to, the total lost future net earnings for decedent, less his cost of personal maintenance.

437. Plaintiffs, on behalf of the Estate of Timothy J. Piazza, Deceased, and on behalf of Survival Act beneficiaries, further claim under the Survival Act damages for embarrassment, disfigurement, humiliation, and mental anguish.

438. Plaintiffs, on behalf of the Estate of Timothy J. Piazza, Deceased, and on behalf of Survival Act beneficiaries, further claim under the Survival Act damages for the conscious pain and suffering and inconvenience endured by decedent prior to his death, including, but not limited to, physical pain and suffering, mental pain and suffering, and the fright and mental suffering attributed to the peril leading to decedent's death.

439. Plaintiffs, on behalf of the Estate of Timothy J. Piazza, Deceased, claim the full measure of damages under the Survival Act and decisional law interpreting said Act.

**CLAIM FOR RELIEF**

**WHEREFORE**, Plaintiffs demand compensatory and punitive damages against defendants, jointly and severally, upon the claims and causes of action stated above, in excess of \$75,000, exclusive of interest and costs, for the amount of Plaintiffs' damages to be determined at trial, and for all other and further relief as the Court may deem just and equitable.

Dated this 31<sup>st</sup> day of January, 2019

Respectfully submitted,

**KLINE & SPECTER, P.C.**

BY:

  
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*Attorneys for Plaintiffs*

# EXHIBIT A

# State of New Jersey Hunterdon County Surrogate's Court

In the Matter of the Estate of  
**Timothy J. Piazza**, Deceased  
A/K/A: Timothy John Piazza

ADMINISTRATION AD  
PROSEQUENDUM CERTIFICATE  
DOCKET No. **50276**

I, **Susan J. Hoffman**, Surrogate of **Hunterdon** County and State of **NJ**, do certify that on **April 4, 2017**, Letters of Administration Ad Prosequendum were granted by me to **James M. Piazza and Evelyn E. Piazza** who are authorized to bring an action, institute a proceeding or make a claim in decedent's name as such Administrators Ad Prosequendum concerning the alleged Wrongful death of **Timothy J. Piazza**, deceased. In accordance with court rules, prior to payment received for damages, the administrator shall furnish to the person liable a certificate of administration certifying the administrator has furnished adequate security.

I further certify that said Letters of Administration Ad Prosequendum remain in full force and effect.

WITNESS my hand and seal of office, on this  
**April 4, 2017**.

  
\_\_\_\_\_  
**Susan J. Hoffman, Surrogate**

